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RHODE ISLAND

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THREE CENTURIES OF DEMOCRACY

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Charles Danell

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# RHODE ISLAND

## Three Centuries of Democracy

*By*

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VOLUME I

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## DEDICATION

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*This Story of Rhode Island Democracy  
broadening through three centuries  
is dedicated affectionately to  
Honorable Walter Eugene Ranger  
Commissioner of Education  
and Lover of Democracy  
to whose kindly interest and encouragement of  
occasional studies in the field I attribute my  
ambition to write a comprehensive history of  
Rhode Island and Providence Plantations  
My Native State*



## PREFACE

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EARLY three centuries ago Rhode Island, in a manner particularly its own, discovered a solution for the most vexatious and troublesome problem of the period—that of reconciling men and women with strong “persuasions in religious concernments” to living peacefully in community with neighbors entertaining no less vigorous opinions, though the latter might be even radically different in theory and practice. It was found in Rhode Island that where government restricts its functions to “civil matters only” and does not lend itself or its authority to persecution or discrimination because of religion, men and women may live happily in heterodoxy, and a vigorous, progressive and prosperous commonwealth may rise. Scarcely less radical for the time than the complete separation of state and church in colonial Rhode Island was the introduction in the earliest years of the popular initiative and referendum with other devices assuring a “democratical form” of government. Ingenious Rhode Islanders found ways of adapting the corporate form of government prescribed by the Charter of 1663 to a continuing experiment with democracy in a self-governing republic within the British Empire. Maintenance of the republic involved quarrels with the mother country ripening into a war for independence; one who studies the early history of Rhode Island understandingly scarcely may fail to note the progress of the struggle for democracy tending almost inevitably to revolution. Post-revolutionary history has been no less noteworthy, as Rhode Island has advanced steadfastly to broader conception of democracy of a type more liberal even than that which startled seventeenth and eighteenth century contemporaries. Through three centuries a persistent, unconquerable Rhode Island spirit has pervaded the social milieu.

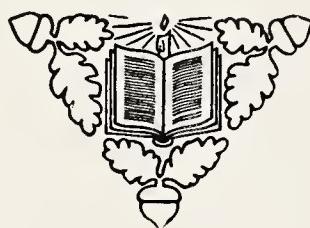
My boyhood and youth had given me a glimpse of the Rhode Island spirit; my education and contact with affairs confirmed it. My own occasional studies of men and events in Rhode Island history, incidental principally to my work with Commissioner Ranger in the state division of public education service related a patriotic instruction in public and other schools, led me some years ago to the wish that I might write a comprehensive history of my native state from a distinctly Rhode Island point of view. For the time being the project remained in abeyance because partly of the pressure of official and professional duties and partly of the remote probability of finding a publisher able and willing to undertake the printing, in view of the restricted market for state histories. Three years ago the project was revived when the Lewis Historical Publishing Company offered its resources for printing and selling a history of Rhode Island on terms which, though generous, were much less attractive to me than the opportunity to realize my ambition. I wish to record here my appreciation (1) of the service of the Lewis Historical Company throughout the period of our relations as author and publisher, (2) of the unfailing courtesy and kindness of members of the Lewis organization, and (3) of the unusual liberality displayed in permitting me to write as I wished and in printing what I wrote without a comment, criticism or suggestion for change. The Lewis Historical Publishing Company has exemplified the Rhode Island motto, which, in this instance, may be rewritten to read: “*Rara temporum felicitas ubi sentire quae velis et quae sentias scribere licet.*”

*A posteriori*, the work itself must justify the faith of publisher and subscribers, the latter including many good friends who have bought because of confidence and generosity; *a priori*,

it was desirable to approach prospective purchasers of a new history of Rhode Island with something more than an outline and the name of the author—with respect to the latter particularly, with somebody willing to stand as sponsor and to recommend him. At the beginning a board of advisers and indorsers was recruited, the membership including His Excellency the Governor and other general state officers and heads of departments, members of the State Board of Education and the Commissioner of Education, the Presidents of four Rhode Island colleges, other prominent educators, and leading men in professional and commercial service. To all of these, among them some of the most valuable and distinguished citizens of Rhode Island, the author expresses his thanks for the confidence reposed in him personally and in his work. Their courteous acceptance in the first instance of the invitation to become members of the Board of Advisers and Endorsers encouraged him, and their gracious assistance from time to time has sustained him in his effort to write a history worthy of them and of their endorsement.

Finally there have been friends who have helped by kind words, librarians who have loaned books and documents, associates in service who have tried to lighten the author's work by cheerful help, and a devoted wife and family who have endured three years of life with a recluse buried in tomes and musty documents away from which he must be taken almost by force for meals and sleep. The compensation has been the joy of accomplishment and the hope that this history of Rhode Island may be read by those who buy it. Its purpose will have been accomplished if more Rhode Islanders learn to understand and appreciate Rhode Island.

CHARLES CARROLL.



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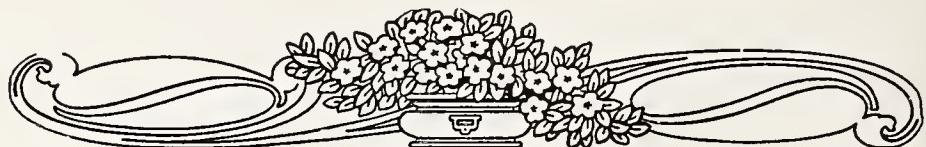
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# RHODE ISLAND

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# RHODE ISLAND

## CHAPTER I.

### WHY RHODE ISLAND?

HE outstanding features of any map of Rhode Island are Narragansett Bay and the rivers that empty their waters into the bay. On a topographical map, showing contours and elevations, land and waterways, the last are dominating features, for the highest elevations, except a few scattered hills, rise gradually to barely 800 feet above mean high water mark, and interpose scarcely an obstacle to travel on lines as straight as those laid out by Roman engineers constructing military roads and aqueducts. Rhode Island roads are far from being straight, nevertheless; after the fashion in New England, they parallel shore or stream, skirt lake or pond, seek easy grades, wind about instead of climbing rolling hills, or bend to pass through town or village, the location of which has been determined usually by a favorable water site. Bays, rivers, ponds and even smaller waterways dominate the system of communication by travel, and determine locations for public highways and bridges, railways and tramways, omnibus routes, ferries and steamboat lines.

A political map of Rhode Island, delineating county, town, city, and district boundaries established by the General Assembly to define the territorial jurisdiction of courts and sheriffs, to divide the state into convenient units for local administration by municipal corporations, and to group population for representation in state legislature or federal Congress, similarly reflects the outstanding features of the terrain. All five counties reach tidewater; two, Washington and Kent, lie west of the bay; two, Bristol and Newport, lie generally east of the straighter western channel in the estuary; while Providence County surrounds the headwaters of the bay and embraces the northern portion of the state. The counties correspond substantially with historical divisions antedating the King Charles Charter of 1663, and, until Rhode Island had become predominately an industrial commonwealth, indicated a reasonably equal division of population. In the twentieth century three-quarters of the people of Rhode Island reside in Providence County; in consideration of the fact that the county is not in Rhode Island a unit for representation in government or for taxation, this patent inequality is not discussed with reference to partisan political significance.

Twenty-one of thirty-nine Rhode Island towns and cities, including within their boundaries the homes of three-quarters of the population, are maritime—in the sense of bordering navigable waters and having free access to the Atlantic Ocean. Thirteen towns and two cities—Little Compton, Tiverton, Bristol, Warren, Barrington, East Providence, Providence, Cranston, Warwick, East Greenwich, North Kingstown, Narragansett, South Kingstown, Charlestown and Westerly—reach the coast line of almost eighty miles bordering ocean and estuary. Four towns and one city—Jamestown, Middletown, Newport, New Shoreham and Portsmouth—are located on islands in bay or ocean. The city of Pawtucket sits astride a navigable river below and above the waterfall that marks the edge of the piedmont plain—a location favored for great cities on the Atlantic seaboard. While Rhode Island sent two members of the federal House of Representatives, Narragansett Bay was the dominating boundary of First and Second congressional districts; with three Congressmen additional to two Senators, the division for districts roughly is: First, east of the bay; Second, west of the bay; Third, north of the bay. The towns and cities are primary units for representation in both Senate and House of the Rhode Island Assembly.

An economic map of Rhode Island, showing occupations and products of factory, soil or water, as well as distribution of wealth, is definitely correlated to waterways, for these have been constraining influences in determining the location of industrial enterprises and commercial centres. More than eighty per cent. of taxable wealth is accumulated in towns and cities lying in the larger river valleys or along the shores of Narragansett Bay. Population is as compactly aggregated in industrial and commercial centres as it is widely dispersed in farming communities; that more than ninety per cent. of the people of Rhode Island reside close to bay and rivers is simply another fact derived from the dominating influences in the geographical environment, which are water and waterways.

Rhode Island is referred to in documents antedating the King Charles Charter of 1663 as the Bay country, the Narragansett Bay country, or the Narragansett country. While the last designation had reference to the tribe of Narragansett Indians, who occupied most of the territory west of the bay during the period of colonization, the former were more significant. Rhode Island may be described as consisting of Narragansett Bay, and enough land on either side and at the headwaters to assure control of the waterway. In this respect, Rhode Island resembles the Canal Zone, which is a narrow strip of territory within which lies the Panama Canal. When the United States had decided to construct between Colon and Panama a canal that would connect the Atlantic Ocean through the Caribbean Sea with the Pacific Ocean, our Secretary of State and other diplomatic representatives sought to purchase from Colombia a land area sufficient to control the approaches to and the banks of the waterway when excavation had been completed. Colombia apparently was reluctant to part with the territory wanted, including as it did two important cities and harbors, and a profitable railway line connecting them. Thereupon, the Colombian province of Panama revolted, the United States recognized its independence, and negotiations for the cession of the Canal Zone to the United States achieved rapid progress. It is scarcely necessary to say that the financial consideration for the transfer of sovereignty was offered to and was paid to the province of Panama instead of to the state of Colombia. A treaty ceding what would be eventually two narrow strips of land approximately paralleling the canal and contiguous to either bank was executed and ratified.

The marked resemblance of (1) canal and Canal Zone to (2) Narragansett Bay and Rhode Island is easily recognized when reference is had to maps of reasonable size in each instance; the resemblance is most impressive when reference is made particularly to the eastern boundary of Rhode Island, which is defined in the King Charles Charter of 1663 as follows: "And extending toward the east, or eastwardly, three English miles, to the east and northeast of the most eastern and northeastern parts of the aforesaid Narragansett Bay, as the said bay lyeth or extendeth itself, from the ocean on the south, or southwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the easterly side or bank of the said river (higher up called by the name of Seacunck River) up to the falls called Patucket falls, being the most westwardly line of Plymouth Colony, and so from said falls, in a straight line, due north until it meets with the aforesaid line of the Massachusetts Colony." This is not the present eastern boundary of Rhode Island, which was run by agreement betwixt Rhode Island and Massachusetts almost two centuries after the year of the Charter. The line three miles east and northeast of Narragansett Bay swept southeasterly, easterly and northeasterly of Mount Hope Bay, and included within the territory assigned to Rhode Island the site of Fall River, which was a Rhode Island town until 1862, as well as part of the present town of Swansea in Bristol County, Massachusetts. On the other hand, location of the colony line from Bullock's Point, at the mouth of Providence River, along the banks of the Providence and Seekonk Rivers, placed the present Rhode Island town of East Providence and so much of the present city of Pawtucket as lies east of the Seekonk and Blackstone Rivers in Plymouth Colony, thus assuring to Plymouth

access to a closed harbor to the west superior to New Bedford, Plymouth, Provincetown or any other harbor along the wild and treacherous reaches of Cape Cod or Cape Cod Bay.

The three-mile limit indicated in the Charter may or may not have had reference to international practice defining a marine league as the limit of extra-territorial jurisdiction over contiguous navigable waters, which it apparently reversed in defining a line *three miles inland from the shore*. The earliest definite enunciation of the doctrine of the three-mile limit is attributed to Bynkershoek in the book called "De Dominio Maris," which was published in 1702. Bynkershoek used the words: "Imperium terrae finiri ubi finitur armorum vis, idem est, quousque tormenta explodunt," which means, when translated, that a nation controls the open water within the range of cannon shot. The range of cannon at the opening of the eighteenth century was approximately a marine league or three English miles. Unless Bynkershoek invented the three-mile limit, which he probably did not, the period of forty years between 1663 and 1702 is not too long to assume, in a period in which the production of books was not so simple nor so common as at present, for the development of an idea into a principle that would warrant statement by Bynkershoek as an established convention. Whether or not the width of Rhode Island between the eastern boundary line and the eastern shore of Narragansett Bay was defined arbitrarily, or coincidentally, or accidentally, as three miles, or because the marine league had been accepted by English jurists two generations before Bynkershoek wrote his book, the fact remains that the eastern boundary line was delineated masterfully by a consummate geographical genius. He gave Rhode Island the eastern shore of the bay and the highlands beyond, which in his generation would have assured strategic and military control. The fortification of the heights in Tiverton overlooked the fords and ferries in the Seacownet River, and held the British in Newport during the Revolutionary occupation. While conceding to Plymouth Colony access to the inner harbor, Plymouth's use thereof must remain forever tributary to Rhode Island. It is perhaps needless to note here that the earlier boundary line was not acceptable to the Plymouth Company or to the Massachusetts Bay Company, which subsequently acquired the rights of the Plymouth Company. As a matter of fact, Plymouth and Massachusetts continued to hold disputed eastern territory until 1742, when a royal decree confirmed Rhode Island's rights under the Charter.

Quite as much genius was displayed in locating the western and northern boundaries. The western boundary gave to Rhode Island and Connecticut joint possession of Little Narragansett Bay, the estuary at the mouth of the Pawcatuck River, which formed the boundary line at the southwestern corner of Rhode Island. While Little Narragansett Bay is not so accessible as Narragansett Bay, it is capable of development as a harbor. To Rhode Island fell Napatree Point, with possibilities for fortification that were recognized when Fort Mansfield was constructed at the outbreak of the Spanish-American War; and Block Island, which quite as well might have been assigned to New York with Fisher's Island, because of its proximity to Montauk Point, at the eastern extremity of Long Island. Geological research indicates the possibility that some time there may have been contact between Block Island and Long Island, perhaps by a narrow bar, which was washed away by stormy waves and tidal waters; perhaps, also, that Long Island, Block Island, Martha's Vineyard, Nantucket, the Elizabeth Islands and Cape Cod were parts of an earlier continuous coastal plain pierced only by an outward reach of Narragansett Bay, which appears to have existed as a deep valley even in the carboniferous era. The western line as established by the Charter made New York a western neighbor contiguous to Rhode Island by water boundary, wherefore vessels sail from Rhode Island to New York, or from New York to Rhode Island, without the clearance papers that are required for sailings to ports of other than contiguous states.

Northward the western line followed the winding Pawcatuck River, and ran straight

from the head of the Pawcatuck River to the southern boundary of Massachusetts. The genius of the geographer appears in this: That very little water and that only the drainage of the small strip of the extreme western territory of Rhode Island which is tributary to the Moosup River flows out of Rhode Island into any other state. The watersheds drained by the Pawtuxet, Woonasquatucket and Moshassuck Rivers lie wholly in Rhode Island; vastly most of the drainage areas of the Pawcatuck and Blackstone Rivers are also in Rhode Island, while other rivers flow in from the east and northeast after drawing water from Massachusetts. For strategic and military purposes Rhode Island thus controlled the hills and contours along the line that divided waterflow, and the western line for fortification in wartime, including the field on which would be fought the battle for Providence in modern times, and the hills that command the modern metropolitan city as it stretches under various names almost without break from Woonsocket to East Greenwich and Fall River. To a certain extent the Charter confirmed the boundaries of land purchased from the Indians. The western boundary was located just beyond the headlands separating the watersheds drained by Rhode Island and Connecticut rivers. It probably is not true that the seventeenth century geographer who laid out the boundaries of Rhode Island foresaw the age of industrial development and of machinery in which water and waterfalls would be harnessed to turn the wheels of factories and do the heavy work of civilized man; nevertheless, he did understand thoroughly the significance of Narragansett Bay and of the geographical factors that made it the finest harbor in New England, if not upon the Atlantic seaboard of the United States, and that made it the prize to which Dutch, English and French looked with envious eyes and for which four seventeenth century colonies of English origin, Rhode Island, Plymouth, Massachusetts and Connecticut, contended. Neither Connecticut nor Massachusetts was better satisfied with the western boundary than Plymouth was with the eastern boundary. The economic interest in all the New England colonies is a factor scarcely developed by historians, so much has history, as written in the past, exploited religious controversy rather than the keen astuteness in business of the men who controlled or represented the English commercial corporations that were promoting colonization in the seventeenth century. While Roger Williams probably was a dreamer who cared little for his own fortune, and who sometimes neglected his family in his willingness to sacrifice himself and them for the common good, John Clarke, who remained in England to complete negotiations for the Charter of 1663, united a splendid nobility of character and idealism with a positive genius for practical affairs. He was the one man in England at the time the King Charles Charter was written who understood Rhode Island.

Of estuaries along the Atlantic coast of the United States, none except Casco Bay in Maine has water deeper than that of Narragansett Bay; yet the harbor at Portland, the city nearest to Casco Bay, is not so deep as Narragansett Bay. Chesapeake Bay and Delaware Bay are approximately of the same depth as Narragansett Bay; while Massachusetts Bay, Buzzards Bay, Penobscot Bay, Cape Cod Bay and Vineyard Sound are not so deep. Boston, New York city and New London are reached through waters shallower than are those of Narragansett Bay. The approach to New London is not directly from the Atlantic Ocean; and the entrance to New York, whether by Sound and East River or by Sandy Hook and Staten Island is beset with difficulties.

Narragansett Bay is one of few harbors into which a vessel may steer directly from the Atlantic Ocean, without serious hazard, in water uniformly more than sixty feet deep, and for the most part more than 100 feet deep. Moreover, it has an advantage over most North American harbors of opening directly to the south, and thus affording shelter within the headlands from the prevailing northerly winds and heavy northeasterly gales that are characteristic of winter weather on the North Atlantic Ocean. The portal opens widely between Point Judith and Seaconnet Point; within the headlands, the Islands of Conanicut and

Rhode Island partly stop the gaping mouth, but leave open two entrances easily accessible on either side of Conanicut. Beaver Tail, at the southern extremity of Conanicut, marks the division between East Passage and West Passage; here in 1749-50 a lighthouse was erected, the oldest on the Atlantic Coast of the United States. Much earlier, in 1690 certainly, perhaps in 1667, a watch tower and beacon light were maintained at Beaver Tail to warn the people of the colony of the approach of hostile fleets engaged in colonial wars. Within the waters of the bay are two outer closed harbors, one at Newport, and one between Dutch Island and Conanicut, besides the splendid open waterway almost eight miles long directly east of Conanicut. Dutch Island Harbor has been for almost three centuries a favorite anchoring place for vessels seeking refuge from heavy storms. Dutch Island takes its name from the Dutch traders from New Amsterdam (later New York), whose activity in Narragansett Bay so early as 1640 was one reason that induced Roger Williams to visit England for the purpose of obtaining a charter for his colony that would give it legal standing should controversy with the Dutch suggest an appeal to the mother country on behalf of Providence Plantations.

In protected waters in the lower reaches of the bay is anchorage without crowding for the modern navy of a great nation. Verrazzano considered Narragansett Bay sufficient to float the navies of the world in the sixteenth century. Further up the bay are wide reaches of deep and usually quiet water, giving access to other closed harbors in Mount Hope Bay and at Bristol, the harbor chosen by Plymouth; and still further north the approach to Providence through a deep and wide channel easily maintained by occasional dredging. The northern extension of Narragansett Bay, Providence River and Seekonk River reaches thirty-five miles inland from the ocean, and constitutes what has been called happily and proudly the "Gateway to New England." Before the Revolutionary War Newport was the port of Narragansett Bay; its commerce exceeded that of any other harbor in North America. The French acquaintance with Narragansett Bay, renewed during the Revolutionary War, suggested a request for the cession by the United States to France of Narragansett Bay and Rhode Island as a token of American gratitude, in payment of the debt of the United States to France, and as a naval base to be held by France in anticipation of other wars with England. This, without doubt, was one reason, somewhat neglected by historians, which was weighty in determining Rhode Island's distrust of the Congress of the Confederation after the war, and which suggested careful consideration before Rhode Island made the Constitution of the United States constitutional by ratifying it. Narragansett Bay was the most precious possession of Rhode Island in the early centuries; it is in the twentieth century.

An estuary affording safe anchorage for large fleets and yielding annually a wealth of shellfish, including oysters, clams, quahaugs, scallops, mussels, crabs and lobsters, with the possibility suggested that a revival of a rich vertebrate food and fertilizer fishery, well known to Indians and colonists, awaits only the perfection of devices for filtering sewage and the purification of waste water, is an asset to be cherished. The value of these resources was recognized in the seventeenth and eighteenth centuries, as were also the commercial advantages that accrue from deep channels running close to shore and affording opportunity for the construction of wharves at minimum cost, alongside of which vessels might lie to discharge or take on cargoes without the inconvenience and expense involved in the building and using of piers and slips. So fine a waterway as Narragansett Bay might be wasted commercially, nevertheless, if its location were not advantageous externally as well as internally. Beaver Tail, dividing East Passage from West Passage, lies in latitude  $41^{\circ} 27'$  north and longitude  $71^{\circ} 24'$  west. Directly east by great circle sailing lie northern Spain and Portugal, Oporto being almost due east of Narragansett Bay. Because of the long eastern projection of New England, Narragansett Bay is more than 100 miles nearer than is New York to Amsterdam, Bordeaux and Liverpool. Marseilles and other southern European ports

on the Mediterranean Sea, as well as Constantinople, and Port Said at the western entrance to the Suez Canal, are all nearer to Narragansett Bay than to New York. With respect to European ports, New York is nearer than Philadelphia, Baltimore and Charleston, which emphasizes the advantage of Narragansett Bay.

The Bermuda Islands are located almost due east from Charleston, South Carolina, and almost due south of Narragansett Bay; the sailing distances from the Bermudas to American ports are: Narragansett Bay, 631 miles; New York, 681 miles; Boston, 688 miles; Philadelphia, 730 miles; Charleston, 787 miles. Rhode Island is almost directly north of the Windward Passage between Cuba and Haiti, thus having convenient approach to the Panama Canal, Caribbean Sea ports, and ports along the northeast coast of South America. The continent of South America lies so far east, relative to the continent of North America, that vessels following great circle courses, which correspond to straight lines on plane surfaces, may travel almost directly south from New England, and particularly Narragansett Bay, to South America, whereas vessels from other harbors must lay courses sharply diagonal to meridians. Porta, Peru, one of the most western cities of South America, is almost directly south of Key West, Florida. Cartagena, Colombia, near the western edge of the north coast, is almost directly due south from Philadelphia. A line drawn through Trinidad Island passes east of Halifax and west of ports in Brazil, Uruguay, the Guianas, and the city of Buenos Ayres, Argentina. Narragansett Bay is nearer to Trinidad than Philadelphia, Boston, New Orleans and New York. With respect to Cartagena, Narragansett Bay is 138 miles nearer than Boston, and somewhat less than fifty to seventy-five miles farther than New York or Philadelphia.

Most of South America lies east of the Panama Canal. Most South American Pacific ports lie almost directly south from Narragansett Bay. The building of the Panama Canal has emphasized the advantage of the Atlantic over the Pacific ports of the United States. Because of the long northwestern slope of the coast of Central America and Mexico away from the Panama Canal, San Francisco, which is located a little south of due west from Narragansett Bay is 1183 miles further from the canal than is Narragansett Bay. The sailing distances to the Panama Canal are; Narragansett Bay, 2062 miles; San Francisco, 3245 miles. The advantage for Narragansett Bay is approximately the distance from Narragansett Bay to Key West, Florida. The advantage over San Francisco is maintained for all South American ports on the Pacific; thus, the sailing distance from Narragansett Bay to Valparaiso, Chile, is 4678 miles, while San Francisco lies 5407 miles to the northwest, a variation of 700 miles. On coast to coast shipments, the long water route of 5300 miles from San Francisco *via* the Panama Canal to Narragansett Bay, is so much shorter in time and so much cheaper in freight rate than the overland haul across the continent that a profitable and growing interoceanic commerce has developed. Narragansett Bay has become a favorite eastern port for landing and distributing as well as for gathering and shipping cargoes for this trade.

Quite contrary to the modern teaching that waterways tend to promote communication by furnishing facilities for comfortable travel, Narragansett Bay has sometimes been discussed as an obstacle to close union among the early settlers. Thus President Gammell of the Rhode Island Historical Society, in 1885, wrote: "With the waters of the bay stretching between them, sometimes boisterous, sometimes frozen, and always dangerous, how were they to be brought together in this infancy of their existence? We little appreciate, or even imagine, how formidable was the barrier thus interposed in those early days. The passage from the plantations of Aquidneck to those of Providence, even in the most favorable circumstances, required a long day of hard rowing in Indian canoes or in the rude boats which the settlers soon began to build for themselves." The same author cites the instructions given by the town meeting of Providence to the town's delegates to the first meeting of the

General Assembly, at Portsmouth, in May, 1647, ending "We commit you unto the protection and direction of the Almighty, wishing you a comfortable voyage, a happy success and a safe return unto us," as confirming his opinion. These words may well tend to refute the contention that Providence Plantations, for want of an established church, had become a resort for ungodly outcasts of decent society, and may well be attributed to the fine spirit of piety and hope that had inspired the naming of the settlement begun by Roger Williams on the bank of the Moshassuck in 1636 as Providence in recognition of the Providence of God; but no one who contrasts the ease of travel by canoe or boat with the hardship of overland travel through the wilderness need be misled. The comparative ease of communication by water between settlements made possible in Rhode Island the development of pronounced individualism in settlements that otherwise were isolated unto themselves, and tended to preserve a democracy founded on a recognition of the rights of the citizen at a time in which the combination of church and state in other colonies was centralizing and concentrating authority, fashioning a theocracy modelled upon Old Testament precedents, and forging fetters for those who without interference and constraint might have become tolerant and liberal-minded. As a matter of fact, the waters of the bay furnished the finest possible means of communication and intercourse between settlements if and when either was desired, and an equally convenient separation if and when that was preferable. And, besides that, they furnished the environmental conditions needed to train a race of hardy, adventurous sailors and daring sea captains, ardent lovers of freedom, who carried the Flag to every port in the seven seas, and who played their part in commerce and in war with honor and glory to themselves and to their state.

Geological studies of Rhode Island indicate how kindly the Creator has treated the Narragansett Bay country, and how carefully the terrain of little state and mighty commonwealth had been prepared for a people chosen to demonstrate the eternal verity of democracy. Post-glacial Rhode Island differed radically from Rhode Island of the period preceding the coming and going of the ice cap that sometime covered most of the United States. Here the scratched and grooved, partly evened face of outcropping ledge indicates the course of sliding glaciers, moving ponderously toward the sea; and there a tremendous boulder rounded and smoothed in the course of a long journey from the ledge from which it was torn away stands where the glacier dropped it, mute evidence of the enormous forces working through the ice age. Deep pond or lake, sandy plain and rolling hill, and rock-strewn field—all help the geologist to read and write a story that is as fascinating as any other page of history.

The glaciers cut deep ravines, smoothed plains, piled up sand hills by holding back eddying water until it had dropped the silt snatched in some wildly rushing freshet, and by building lateral and terminal moraine changed the courses of rivers, turning them away from old and into new beds as they flowed on inevitably and forever toward the ocean. In Washington County a terminal moraine turned several rivers, that otherwise flowed probably southerly into the Atlantic Ocean, westward into the valley of the Pawcatuck River, thus increasing the volume of the stream and the strength of the current. The rocky falls in the Pawcatuck and its feeders are also somewhat products of the ice age, have increased the commercial possibilities of this stream, and have transformed what otherwise might have been a quiet agricultural community into a thriving industrial centre. Few Rhode Island rivers "flow gently" as "Sweet Afton."

There is reason for believing that the course of the Pawtuxet River was changed during the glacial age, and that its earlier outlet to Narragansett Bay at Apponaug was abandoned for a wild and turbulent rush, through rocky gorges in some places, toward the present outlet six miles farther north. The Woonasquatucket River, and both north and south branches of the Pawtuxet River show interesting geological phenomena, most of which involved the development of water power and predetermined the nineteenth century industrial exploita-

tion of these valleys. The size and depth of the Moshassuck Valley and the river bed are out of proportion to the present volume of water, and suggest that some time the Blackstone River flowed almost directly south through the Moshassuck Valley into Narragansett Bay. Held back in the glacial period by an obstruction near Scott's Pond, the Blackstone River turned eastward and cut a new bed for itself, piling up rocky barriers of dropping boulders, and tumbling riotously down over precipitous slopes at Lonsdale Falls, Valley Falls, Central Falls and Pawtucket Falls. Man came and found that nature had prepared the way for his dams and sluices, for further control of the water.

Past Pawtucket Falls the Blackstone River found a natural outlet through what may have been the ancient bed of Abbott's Run extended or the Ten Mile River, although in the latter instance the geological formation indicates the possibility that the river flowed not into the present valley of the Seekonk, but into the Runnin's River, and thence by Barrington and Warren Rivers into the Bay. The new course of the Blackstone River predetermined the site for what is perhaps the most intensive industrial development in the world. The construction of the Blackstone Canal scarcely would have been feasible in view of established mill and factory water rights in the lower Blackstone River, if the Moshassuck Valley had not provided an approach to the upper Blackstone River near Lonsdale, above the major water falls. As it was, the statute incorporating the Blackstone Canal Company and authorizing the construction of the canal required the proprietors to pump back into the Blackstone River, within every twenty-four hours, water in volume equal to that drawn out from above to fill the series of locks required to mount the elevation between the watersheds.

These are only surface indications; to account for the disappearance of water from ponds having no surface outlets, and for the constant level of water in ponds having no surface feeders, and for the vast quantities of water that may be drawn from artesian wells that do not pierce the igneous and carboniferous rocky strata, the geologist weaves a tale of water seeping through loose formations into beds of ancient rivers and streams, and flowing on below the soil ever toward the ocean. The story indicates the devious and almost incomprehensible ways in which the physical environment may be constructed and modified, and suggests the *Providence of God working wonders in New England* in the environment as well as in the souls of men.



## CHAPTER II. EARLY VISITORS TO RHODE ISLAND.

HE answer to the school teacher's question, "By whom was America discovered?" resolved into a conventional sentence beginning with the name of a celebrated fifteenth century Genoese navigator some time engaged in the service of King Ferdinand and Queen Isabella of Spain, and long associated with the year-date in history best known and best beloved by American schoolboys, is still sufficient unto itself. Another answer to the question is somewhat irrelevant to the real purpose of the dialogue, to wit, to establish an episode that was a fact of transcendental importance. That "Christopher Columbus discovered America in 1492" is significant because the discovery and date mark the beginning of a migration of Europeans westward across the Atlantic Ocean that has continued for more than four centuries, with all the consequences thereof in the winning of two continents for civilization and in the transformation of human society through democracy, in America first and later in Europe. The school boy's answer very properly ignores legendary earlier visits by Europeans to lands lying far to the west beyond the ocean, beginning so early as 565 with the Irish Saint Brendan.

Relating to Rhode Island more particularly, perhaps, the most significant of legendary pre-Columbian visits to America are recorded in the Icelandic sagas of the Northmen, wild sea rovers who harried and pillaged sections of Europe that correspond with modern France and the British Isles, beginning about the middle of the ninth century. Three half-centuries later, some of the Northmen had settled down permanently in various parts of Europe, one band going so far south as Italy in 1015. Meanwhile others had established themselves in France and the British Isles. Iceland had been colonized by Northmen, probably from Ireland or England, in the tenth century, and Greenland had been visited from Iceland. There is a close resemblance to be found in the legend of a discovery of America originating in Ireland and that recited in the sagas. Ari Marson, sailing from Limerick and the River Shannon in Ireland, reached White Man's Land or Greater Ireland, believed to have been part of the continent of North America between South Carolina and Florida, in 982. In succession to Ari Marson other successful voyages to the western land were made by Bjarni Asbranson, 999, and Gudlief Gudlangson, 1029. The similarity of this legend to the tale in the sagas appears in the chronology, which is close enough to suggest identity; in the names of the discoverers, Bjarni and Lief; and in the name Kialarnes (was it Killarney?) applied by one of the Icelandic Northmen navigators to a place in the western land; and is not more, nor scarcely less, marked than that which is perpetually revealed in folklore and traditions common to peoples having a common origin. The Northmen of history were not Scandinavians exclusively, nor are their modern descendants to be found only in Scandinavian countries in Europe, or among Americans of Scandinavian ancestry. Evidence of Northman and Dane in Ireland is found among Erin's blue-eyed blond sons, who mingle with the brown-eyed brunettes of more ancient Irish lineage in such number as to suggest a question as to which of the two is the truer type of Irishman.

THE STORY OF THE NORSEmen—The sagas, like the Homeric poems, were preserved for centuries in the form of oral narratives told by wandering entertainers; in written form they go back only to the twelfth century. As the Homeric poems unquestionably were amplified in the telling, wherefore it is difficult to winnow from them the facts and episodes of history in their setting of heroic epic verse, so the sagas are to be interpreted with the caution that

from one to two centuries of story telling had intervened between the discovery of America alleged to have occurred as the tenth century rolled into the eleventh century, and the time in which an Icelandic scribe reduced the narratives to writing. The sagas have not the value for history that attaches to writing that is so closely related in time to events as almost to be part of the *res gestae*. This is the story of the discovery of America as told in the Icelandic sagas: Crossing from Iceland to Greenland in 986, Bjarni Herjulfson was driven far to the south by adverse storms, and sighted land until that time not known to the Northmen. Five years later, Lief Erickson and thirty-four companions sailed for the southwestern land on the same vessel that had been used by Bjarni Herjulfson, and discovered and named Helluland, Markland and Vinland, as they journeyed southward, probably in daytime coastwise trips from headland and harbor to headland and harbor. Vinland received its name because of the abundance of wild grapes. In or near Vinland Lief and his comrades passed a winter so mild that their descriptions of it and their tales of the abundance of grapes, wild grain (probably Indian corn), and fish and game in stream and forest, induced others to follow in what gave promise of becoming permanent colonization. The winter quarters of Lief, houses of stone known as Liefsbooths, were occupied by successive voyagers. Thorwald Erickson, Lief's brother, spent one or two winters at Liefsbooths in Vinland in 1002 or 1003. His party returned to Greenland after Thorwald had been killed by Indians in 1003 and buried at Krossness. In 1007 Thorfinn Karlsefin, with three ships, 160 men and seven women, including Thorfinn's wife, Gudrid, sailed for Vinland. Liefsbooths not having been found, the first winter was passed amid severe hardship. A son, called Snorri, was born to Thorfinn and Gudrid. Found eventually, Liefsbooths were occupied, and other houses were built. The cattle carried on this voyage indicate a purpose of permanent settlement; the party spent several years at Liefsbooths, until the hostility of aboriginal natives caused an abandonment of the project and return to Greenland.

There never has been a satisfactory identification in America of any of the places named in the sagas, although scholars have sought for years to prove or disprove identity. In Rhode Island and southeastern Massachusetts, particularly, the tradition that Vinland was located on the shores of Narragansett Bay or Mount Hope Bay persists. Professor Wilfred Harold Munro, in his "Tales of an Old Seaport," emphasizes the coincidence of length of day as recorded by the Northmen for Vinland and the same astronomical phenomenon for Narragansett Bay. Three other pieces of evidence, some time accepted as proof that Vinland was in the Narragansett Bay country, are now rejected. The skeleton in bronze armor, believed to have been that of a Northman, dug up near Fall River in 1831, and given immortality in English literature by Longfellow's familiar lyric, was later identified as that of an Indian. The Old Stone Mill at Newport, mentioned in the same poem and still visited annually by thousands of excursionists because of its antiquity, and the legend that it was a watch tower or a Christian baptistery erected by Northmen, is believed to be the stone mill built on his estate in Newport in 1675 by Benedict Arnold. Various marked rocks at places along the shores of Narragansett Bay and Mount Hope Bay have intrigued scholars and antiquaries, as attempts have been made to read and interpret "inscriptions." Very many of the latter have been rejected as meaningless, and due either to natural erosion or glacial scraping; others, combining picture, ideograph, pictograph, hieroglyph and phonetic signs, are attributed to colonists or Indians, the latter having adopted the white man's habit of carving his name promiscuously. The outcropping of the Slate Rock, on which Roger Williams is said to have landed first in Providence, was covered fifty years ago with initials cut into its face by visitors who had not then acquired the souvenir habit of later days. To prevent the carrying away of the rock altogether by souvenir hunters, the city of Providence once placed an iron fence around a pile of fragments of the Slate Rock that remained, but even these disappeared



OLD STONE MILL, NEWPORT



eventually, and no trace of the Slate Rock may be found in the twentieth century near the granite monument that marks the spot of the landing.\*

Two stones, in particular, Mount Hope Rock and Dighton Rock, have been studied almost so much as the famous Rosetta stone picked up on the bank of the Nile River, which furnished a key for translating ancient tablet libraries in Assyria. A rock lying at the foot of the slope of Mount Hope, close to the shore, carries an inscription that has been deciphered by Professor Edmund Burke Delabarre, one of the most persistent investigators of such markings, as written in Cherokee Indian syllabic symbols, and translated as meaning "Great Metacom, Chief Sachem." Metacom was the Wampanoag name of King Philip, last of the Wampanoag Sachems of Pokanoket, the Indian name of Mount Hope. Professor Delabarre places the date of the carving of this inscription as late as 1834, and names Thomas C. Mitchell, of Wampanoag-Indian descent, as the probable author.

Some of the markings on Dighton Rock are unquestionably much older than those on Mount Hope Rock, as indicated by Cotton Mather's reference to them so early as 1690. Drawings and descriptions of the Dighton Rock markings furnished by the Rhode Island Historical Society at his request, led Charles Christian Rafn, the European scholar who translated the sagas, to believe that they included enough of the letters of Thorfinn Karlsefin's name, besides the symbols CXXXI, Roman numerals for 131, the exact number of European sailors remaining with Thorfinn after his company had been reduced by the departure of one of the vessels of his squadron, to justify reading the inscription as meaning "Thorfinn and 131 seamen." Rafn considered the Dighton Rock inscription, thus interpreted, as conclusive corroboration of the sagas, and as proof both that the Narragansett Bay country was the Vinland of the Northmen and that Liefsbooths were located not far from Dighton Rock.

Prosaic historian and romantic poet accepted Rafn's interpretation for the time being. Thus P. C. Sinding wrote:

On the rough surface of a rock,  
Unmoved by time or tempest shock,  
In Runic letters Thorwald drew  
A record of his gallant crew,

and Dighton Rock achieved almost the immortality of the "Skeleton in Armor." Perhaps poetic license permitted substitution by the poet of "Thorwald" for "Thorfinn," but what, after all, are conventions betwixt poets and historians? There were doubters, nevertheless, supporting other theories, other authors, other origins, beginning so early as 1000 B. C. with the Phoenicians. Dighton Rock, like Mount Hope Rock, has yielded up some of its secrets to Professor Delabarre. His patient research and persistent study have been rewarded by an interpretation that rejects a Norse origin for the inscription, leaves Vinland without positive identification in America, and reduces the story told in the sagas to legend not supported by any satisfactory corroborative evidence that would establish an actual visit by Europeans to North America earlier than 1492. Professor Delabarre has found that the Dighton Rock inscription, excluding initials of visitors and other marks clearly of comparatively recent origin, indicates three authors, three carvings, and three periods, in reverse order as follows: "Injun trail to spring in swamp, yds. 167," "Thach, 1592," "1511. Miguel Cortereal, V Dei hic dux Ind."

Of these the first is a commonplace direction intended to help strangers not familiar with the neighborhood. Perhaps the inscription in complete form read "Follow Injun (Indian) trail to spring in swamp, yards 167." Almost exactly 500 feet from Dighton Rock, along a path that follows an old Indian trail, is a spring of fresh water. Dighton Rock lies at the water's edge, and is partly submerged at high tide. It afforded a convenient landing place from small boats, and if used for this purpose by the fishermen who have followed the shore

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\*Part of the slate rock was buried when new streets were constructed.

in succeeding generations through four centuries, the direction to fresh water would be valuable. Professor Delabarre places the date of this carving, from comparative estimate of erosion, etc., as later than the others deciphered by him. The second inscription, "Thach. 1592," may be interpreted as part of the name of Thacher or Thatcher, who may have been one of the fishermen who lived along the New England coast in 1592. It is known that fishing villages were established at Newfoundland so early as 1500, and south of Newfoundland later in the sixteenth century, and that the New England Indians were familiar with white men long before the Pilgrims settled at Plymouth.

The third, and probably the oldest, inscription is significant for historical reasons, aside from the fact that it shatters the Norse tradition. Assuming that Professor Delabarre is correct in his primary reading, and that the story of the Northman in Narragansett Bay must be rejected as mythical, the inscription places a European in the Narragansett Bay country before the visit made by Verrazzano in 1524. Professor Delabarre had done more than decipher; he has undertaken expansion and interpretation, so that the inscription may be read in Latin as "1511. Miguel Cortereal, voluntate Dei hic dux Indorum," and translated "1511. Miguel Cortereal, by the will of God leader of the Indians here." Corroboration for the primary reading is found, first, in the fact that markings on the Dighton Rock near the inscription suggest a carving of the coat-of-arms of Portugal, and, second, in the story of Miguel Cortereal. Miguel Cortereal and Gaspard Cortereal, brothers, sailed from Lisbon for Newfoundland early in the sixteenth century. Gaspard Cortereal was shipwrecked and drowned. Miguel Cortereal and his ship disappeared so completely as to suggest that the vessel had been wrecked and that Miguel had been drowned. The inscription on the rock at Dighton indicates that Miguel Cortereal, if shipwrecked, reached land, and carved a memorial for himself on the rock. Miguel Cortereal, if he remained with the Wampanoags, died probably earlier than 1524; otherwise he would have communicated with Verrazzano, who tarried long enough in April and May of 1524 to explore much of the lower reaches of Narragansett Bay. Verrazzano specifically mentioned two Indian sachems, aged, respectively, forty and twenty-four years, and related the difficulties involved in conversation conducted in the sign language. It is inconceivable that Cortereal was alive and in the neighborhood of Narragansett Bay in 1524; Verrazzano, master of detail that he appears to have been, could not have failed to mention Cortereal had they met.

As to Professor Delabarre's expansion of the primary reading and his translation of it into English, and his assumption that Miguel Cortereal was progenitor in direct line of Massasoit and Wamsutta and Metacom, there is valid reason for doubt. Certainly the proud Metacom would be first to repudiate and last to acknowledge the truth of an implication of white ancestry. There appears to have been no tradition among the Wampanoags of a white sachem, such as might be expected to endure for the less than three-quarters of a century from 1511 to the birth of Massasoit in 1580. While there is a strong appeal to the romantic instinct in Professor Delabarre's suggestion that Miguel Cortereal had become chief sachem of the Wampanoags and had transmitted to his posterity those characteristics that produced the sterling honor and dignity of Massasoit in his relations with Pilgrims and Puritans, and the splendid sagacity of Metacom in his effort to save his nation from the disintegration that appeared to be involved inevitably in the growth of white settlements and the aggressive attitude of the Puritans, these noble red men were no more outstanding characters among the Wampanoags than were Canonicus, Miantonomah and Canonchet among the Narragansetts. Doubt attaches to the expansion of the letter "v" into "voluntate" and of "Ind" into "Indorum." Besides these, there is the possibility, also, that the legend was not carved at the same time nor by the same hand that sculptured the name of Miguel Cortereal on the face of the rock. The legend is not essential to maintain these theses: (I) That the inscriptions on Dighton Rock include no evidence whatsoever that tends to corroborate the minstrel tales

written out in the sagas years after their oral composition; and (2) that Miguel Cortereal visited the Narragansett Bay country some time later than 1502 and somewhat earlier than 1524.

**VERRAZZANO'S LETTER TO FRANCIS I**—The next visitors to Narragansett Bay of whom there is a record were Giovanni da Verrazzano, a Florentine navigator in the service of King Francis I of France, and his crew of fifty seamen on board the good ship "Dauphene" or "Dolphin." Seeking a westward passage to China and India, Verrazzano sailed from Madeira, January 17, 1524, and reached the coast of North America about March 20 near Wilmington, North Carolina, probably. He explored the North Atlantic coast northward and eastward so far as Cape Breton. Verrazzano was one of the first sixteenth century navigators to sail directly west, instead of following the southern route familiar to Spaniards and Portuguese; on the return voyage he sailed directly east. It appears from the letter which he sent to King Francis from Dieppe, France, on July 8, 1524, shortly after his return, that he was thoroughly familiar with latitude and longitude, and had made a fairly accurate calculation of the probable width of the North American continent from ocean to ocean, based upon the observation of the length of a degree of longitude at certain latitude, and knew the advantage of great circle sailing. In his letter to the King Verrazzano narrated the events of the voyage and described the places he had visited. The original letter has been lost, the quotations from it that follow, translated from a copy, relate to Rhode Island. Preceding paragraphs tell the story of a voyage up the coast to the mouth of a river easily identified as the Hudson, which Verrazzano explored in a small boat far enough to see the East River entrance to Long Island Sound, and the Palisades and mountains beyond. Sailing from Sandy Hook eastward, always in sight of the shore, Block Island was discovered, and named Louisa in honor of the King's mother. Verrazzano recorded his observation of a similarity in this island to the Isle of Rhodes in the Mediterranean Sea. Of Rhode Island Verrazzano wrote this to the king:

Weighing anchor, we sailed fifty leagues toward the east, as the coast stretched in that direction, and always in sight of it; at length we discovered an island of a triangular form, about ten leagues from the mainland, in size about equal to the island of Rhodes, having many hills covered with trees, and well peopled, judging from the great number of fires which we saw all around its shores; we gave it the name of your majesty's illustrious mother.

We did not land there, as the weather was unfavorable, but proceeded to another place, fifteen leagues distant from the island, where we found a very excellent harbor. Before entering it, we saw about twenty small boats full of people, who came about our ship, uttering many cries of astonishment, but they would not approach nearer than within fifty paces; stopping, they looked at the structure of our ship, our persons and dress; afterwards they all raised a loud shout together, signifying that they were pleased. By imitating their signs, we inspired them in some measure with confidence, so that they came near enough for us to toss to them some little bells and glasses, and many toys, which they took and looked at, laughing, and then came on board without fear.

Among them were two kings more beautiful in form and stature than can possibly be described; one was about forty years old, the other about twenty-four, and they were dressed in the following manner: The oldest had a deer's skin around his body, artificially wrought in damask figures, his head was without covering, his hair was tied back in various knots; around his neck he wore a large chain ornamented with many stones of different colors. The young man was similar in his general appearance.

This is the finest-looking tribe, and the handsomest in their costumes, that we have found in our voyage. They exceed us in size, and they are of a very fair complexion; some of them incline more to a bronze, and others to a tawny color; their faces are sharp, their hair long and black, upon the adorning of which they bestow great pains; their eyes are black and sharp, their expression mild and pleasant, greatly resembling the antique. I say nothing to your majesty of the other parts of the body, which are all in good proportion, and such as belong to well-formed men.\*

\*The Verrazzano letter is reproduced at length for its description of the Indians as well as other matters. The Indians probably were Narragansetts, possibly Wampanoags.

Their women are of the same form and beauty, very graceful, of fine countenances and pleasing appearance in manners and modesty; they wear no clothing except a deer skin, ornamented like those worn by the men; some wear very rich lynx skins upon their arms and various ornaments upon their heads, composed of braids of hair, which also hang down upon their breasts on each side. Others wear different ornaments, such as the women of Egypt and Syria use. The older and the married people, both men and women, wear many ornaments in their ears, hanging down in the oriental manner. We saw upon them several pieces of wrought copper, which is more esteemed by them than gold, as this is not valued on account of its color, but is considered by them as the most ordinary of metals—yellow being the color especially disliked by them; azure and red are those in highest estimation with them.

Of those things which we gave them, they prized most highly the bells, azure crystals, and other toys to hang in their ears and about their necks; they do not value or care to have silk or gold stuffs, or other kinds of cloth, nor implements of steel or iron. When we showed them our arms, they expressed no admiration, and only asked how they were made; the same was the case of the looking-glasses, which they returned to us, smiling, as soon as they had looked at them. They are very generous, giving away whatever they have. We formed a great friendship with them, and one day we entered into the port with our ship, having before rode at the distance of a league from the shore, as the weather was adverse. They came off to the ship with a number of their little boats, with their faces painted in divers colors, showing us real signs of joy, bringing us of their provisions, and signifying to us where we could best ride in safety with our ship, and keeping with us until we had cast anchor. We remained among them fifteen days, to provide ourselves with many things of which we were in want, during which time they came every day to see our ship, bringing with them their wives, of whom they were very careful; for, although they came on board themselves, and remained a long while, they made their wives stay in the boats, nor could we ever get them on board by any entreaties or any presents we could make them.

One of the two kings often came with his queen and many attendants, to see us for his amusement; but he always stopped at the distance of about 200 paces, and sent a boat to inform us of his intended visit, saying they would come and see our ship—this was done for safety, and as soon as they had an answer from us they came off, and remained awhile to look around; but on hearing the annoying cries of the sailors, the king sent the queen, with her attendants, in a very light boat, to wait, near an island a quarter of a league distant from us, while he remained a long time on board, talking with us by signs, and expressing his fanciful notions about every thing in the ship, and asking the use of all. After imitating our modes of salutation, and tasting our food, he courteously took leave of us.

Sometimes, when our men stayed two or three days on a small island, near the ship, for their various necessities, as sailors are wont to do, he came with seven or eight of his attendants to inquire about our movements, often asking us if we intended to remain there long, and offering us everything at his command, and then he would shoot with his people, making great sport for us.

We often went five or six leagues into the interior, and found the country as pleasant as is possible to conceive, adapted to cultivation of every kind, whether of corn, wine or oil; there are open plains twenty-five or thirty leagues in extent, entirely free from trees or other hindrances, and of so great fertility that whatever is sown there will yield an excellent crop. On entering the woods we observed that they might all be traversed by an army ever so numerous; the trees of which they were composed were oaks, cypresses, and others, unknown in Europe. We found, also, apples, plums, filberts, and many other fruits, but all of a different kind from ours. The animals, which are in great numbers, as stags, deer, lynxes, and many other species, are taken by snares, and by bows, the latter being their chief implement; their arrows are wrought with great beauty, and for the heads of them they use emery, jasper, hard marble, and other sharp stones, in the place of iron. They also use the same kind of sharp stones in cutting down trees, and with them they construct their boats of single logs, hollowed out with admirable skill, and sufficiently commodious to contain ten or twelve persons; their oars are short, and broad at the end, and are managed in rowing by force of the arms alone, with perfect security, and as nimbly as they choose.

We saw their dwellings, which are of a circular form, of about ten or twelve paces in circumference, made of logs split in halves, without any regularity of architecture, and covered with roofs of straw, nicely put on, which protect them from wind and rain. There is no doubt that they would build stately edifices if they had workmen as skilful as ours, for the whole sea-coast abounds in shining stones, crystals, and alabaster, and for the same reason it has ports and retreats for animals. They change their habitations from place to place as circumstances of situation and season may require; this is easily done, as they have only to take with them their mats, and they have other houses prepared at once.

The father and the whole family dwell together in one house in great numbers; in some we saw twenty-five or thirty persons. Their food is pulse, as with the other tribes, which is here better than elsewhere, and more carefully cultivated; in the time of sowing they are governed by the moon, the sprouting of grain, and many other ancient usages. They live by hunting and fishing, and they are long-lived. If they fall sick, they cure themselves without medicine, by the heat of the fire, and their death at last comes from extreme old age.

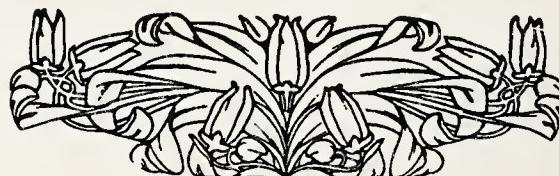
We judge them to be very affectionate and charitable towards their relatives—making loud lamentations in their adversity, and in their misery calling to mind all their good fortune. At their departure out of life, their relatives mutually join in weeping, mingled with singing, for a long while. This all that we could learn of them.

This region is situated in the parallel of Rome, being  $41^{\circ} 40'$  of north latitude, but much colder from accidental circumstances, and not by nature, as I shall hereafter explain to your majesty, and confine myself at present to the description of its local situation. It looks towards the south, on which side the harbor is half a league broad; afterwards, upon entering it, the extent between the coast and north is twelve leagues, and then enlarging itself it forms a very large bay, twenty leagues in circumference, in which are five small islands, of great fertility and beauty, covered with large and lofty trees.

Among these islands any fleet, however large, might ride safely, without fear of tempests or other dangers. Turning towards the south, at the entrance to the harbour, on both sides, there are very pleasant hills, and many streams of clear water, which flow down to the sea. In the midst of the entrance, there is a rock of free-stone, formed by nature, and suitable for the construction of any kind of machine or bulwark for the defence of the harbor. Having supplied ourselves with everything necessary, on the fifth of May we departed from the port.

**OTHER EXPLORERS**—The exploration by Portuguese mariners of the west coast of Africa promoted by Prince Henry the Navigator in the fifteenth century, and the voyages of Columbus and others in the service of Spain toward the end of that century and in the sixteenth century had for their common purpose the finding of a new trade route to the Far East. The explorations of the new continent by De Soto, Cortez, Balboa, Pizarro, Navarez, Coronado and others aimed at discovery of the resources of the new land or the wealth of old lands suspected to lie behind it. Even Ponce de Leon, in his search for the fountain of youth, was not the Quixotic clown that history has pictured him; if there was no other fountain of youth in America, there was and is a place in the Ozark Mountains in Arkansas where the earth pours out healing waters for man, which was well known to the Indians and still is visited annually by thousands who seek new life in the release from diseases. The quest for a short route to the Far East, across the continent or by sailing around it, intrigued the sailors of other nations—French, Dutch and English, Cartier, Block, Hudson, the Cabots, Frobisher, Drake, and others, many of whom followed the coast seeking deep inlets. This dominating purpose explains their neglect of the factors that attracted the attention of Verrazzano. Thus Giovanni Cabot, native of Genoa, citizen of Venice, in the service of England, who sailed directly west in 1497 until he sighted Cape Breton, probably, made no report otherwise; and Sebastian Cabot, the English-born son of Giovanni, who later sailed north and south from Cape Breton, reported only his failure to find the northwest passage. Henry Hudson, Englishman in the service of Holland, whose exploration to Albany of the noble river that bears his name, and whose later exploration of the great bay far to the north which also is named for him, made no mention of having entered Narragansett Bay. Adrian Block, a Dutch navigator, made a trading voyage to Manhattan Island in 1610, and returned on a second voyage in 1614. His ship, the "Tiger," was destroyed by fire, but the unconquerable and indomitable Block and his crew built another vessel, called the "Unrest," and sailed in it through the East River and Hell Gate into Long Island Sound. They discovered the mouths of the Housatonic and Connecticut Rivers and other streams flowing into the Sound. Block sailed up the Connecticut River to the site of Hartford. Passing through the Race by Fisher's Island, Block found the Indian island of Manisses, named Louisa by Ver-

razzano ninety years before, and gave it his own name—Block Island. He visited Narragansett Bay, and sailed beyond along the coast of southeastern Massachusetts so far as Cape Cod. Block returned to Holland on another Dutch vessel, which had been part of the squadron including the "Tiger." His discoveries, and the accurate maps later published in Holland, led directly to the Dutch colonization of Manhattan Island, and the location of Dutch trading posts by the Dutch West India Company at favorable places along the Connecticut and Rhode Island shores and at Dutch Island in Narragansett Bay. By that time the efforts of the English to colonize the coast of North America were approaching success; the Dutch were soon to cease to be effective factors in the determination of American history, leaving France and England to face each other eventually in the battle for an empire.



## CHAPTER III.

### EARLY RHODE ISLAND SETTLERS.

OR the failure of Christopher Columbus to find China or India, Spain quickly found ample compensation in the wealth of tropical and semi-tropical lands scarcely realized by primitive native races and awaiting exploitation by Europeans. Colonization of the new lands followed discovery so closely as almost to be simultaneous; thus, Columbus founded a colony at Navidad, Hayti, on his first voyage. On his second voyage he commanded a fleet of seventeen vessels, carrying 1500 persons, and founded two colonies. Romantic tales of conquistadors like Hernando Cortez and Francisco Pizarro yield in human interest to the story of the building of a New Spain in America, the rise of commercial cities, the spreading of European culture in a more luxuriant setting in the new world than on the bleak plains and rugged hills of Spain, the establishment of missions and churches, schools and universities, and the setting up of printing presses, books, pamphlets and maps from which are counted among the most precious possessions of Brown University in the John Carter Brown Library of Americana. Within the present United States, St. Augustine in Florida, 1565, and Santa Fe in New Mexico, 1605, were founded by Spaniards. The second half of the sixteenth century witnessed three failures by the French Admiral de Caligny to establish Huguenot colonies in America, and likewise the failure of Raleigh's colony at Roanoke Island. The French were successful at Port Royal, 1604, as were the English at Jamestown, 1607, and at Plymouth, 1620, and the Dutch at New Amsterdam, 1626. With the Puritan settlement at Massachusetts Bay in 1630 a great migration from England westward was in full swing. Dr. James Truslow Adams, in "The Founding of New England," estimated the total of English emigration in ten years preceding 1640 as having exceeded 65,000, of whom perhaps 18,000 were in New England as follows: Massachusetts, 14,000; Connecticut, 2000; Maine and New Hampshire, 1500; Rhode Island, 300. The fishery at Newfoundland, active since 1500, attracted 10,000 fishermen six months of the year. The presence of fishermen along the coast of New England explains the "wrought copper" ornaments worn by the Indians and described by Verrazzano, the bronze-tipped arrows found by the Pilgrims among those in use by Wampanoags in 1620, the "welcome" in English extended to the Pilgrims by Samoset as he marched down the village street at Plymouth in the spring of 1621, and the fluency in English of Squanto, the Indian interpreter and guide of the Pilgrims. That there were economic causes for the great English migration paramount to the religious causes alleged as the reason for some part of the movement is disclosed by careful study. The failure of Massachusetts to permit liberty of conscience, in a colony alleged to have been founded to secure liberty of conscience, is somewhat less inexplicable if the migration of the Puritans is studied from the point of view of economics. In this field there is no more informing work than the "Founding of New England."

The type of fishing village that was not uncommon along the coast of what is now Maine even before the Pilgrim settlement at Plymouth in 1620, and that induced Henry Sweetser Burrage to maintain that Maine rather than Massachusetts was scene of the earliest English permanent colonization in New England, appears not to have been established in Rhode Island, although it is not unlikely that Narragansett Bay was visited occasionally by the hardy fishermen who sought on this side of the Atlantic sea food for European markets 3000 miles away. The Dutch West India Company established a trading post at Dutch Island so early as 1625, having purchased from the Indians the island which they called "Quotonis," near the "Rhode Island," and two other trading posts in what is now Charlestown. Abraham Pietersen was

the factor at Dutch Island. The Indians, in April, 1632, attacked a house at Sowamset, now Warren, which was occupied by three men as a temporary trading post. Yet there was no permanent white settlement in Rhode Island until 1634, when William Blackstone sold his land in Shawmut, Boston, purchased cattle, and removed to Study Hill, in Cumberland, near the river which still bears his name above the falls at Pawtucket and from its source in Massachusetts. Blackstone had lived some ten years in Shawmut, anticipating by five or six years the Puritan settlement. He was a clergyman of the Church of England, who had left England, and like so many others subsequently, left Massachusetts for conscience's sake. He is reported as having said, "I left England to get from under the lord bishops, but in America I am fallen under the power of the lord brethren." He maintained friendly relations with the Puritan settlers, nevertheless, and visited Boston, as well as Providence occasionally. He is said to have planted the first orchard in Massachusetts, and also the first apple orchard in Rhode Island. A seventeenth century forerunner of Luther Burbank, "he had the first (apple) of that sort called yellow sweetings that were ever in the world perhaps, the richest and most delicious apple of the whole kind." To "encourage his younger hearers" when he preached in Providence he "gave them the first apples they ever saw." William Blackstone continued living at Study Hill until his death, May 26, 1675. The Blackstone house and library were burned by Indians during King Philip's War. Study Hill was leveled in the nineteenth century to make way for the railroad yard near Valley Falls.

William Blackstone had led the life of a recluse; he was a man of scholarly disposition and habits, who found a solace for his discontent with human society in the seventeenth century in the brooding solitude of the wilderness—at Shawmut, first, where with his family he lived alone until the coming of the Puritans brought him neighbors and a kind of meddlesome neighborliness that soon aroused anew his discontent, this time with the "lord brethren," and, later, at Study Hill, where he was sufficiently and satisfactorily so far removed from intruding companionship as to live contentedly for the forty years that preceded his death. Neither he nor William Arnold, of whom it is alleged that he and his family removed from Massachusetts to that place which is now called Providence on April 30, 1636, two months earlier than Roger Williams, was the dominating influence in the establishment of Providence Plantations or Rhode Island. In the instance of neither Blackstone nor Arnold was there fact or episode so transcendental as to give to either more than an incidental mention in history. Nor was it the success of Roger Williams in the organization of a commonwealth, for of this there remains a question to which attaches a reasonable doubt, so much as his defence and maintenance against tremendous opposition of principles of human liberty and justice, that have given him enduring renown that grows with the ages, and that have made the history of Rhode Island significant for America and for all mankind.

**ROGER WILLIAMS SETTLES**—In June, 1636, Roger Williams, with one, or perhaps several, companions paddled a canoe down the Seekonk River, around India Point and Fox Point into the Providence River, and thence into the Moshassuck River, and on the easterly bank of the last, near and convenient to a spring of fresh water that still flows and has since then borne the name of Roger Williams, began a settlement to which he gave the name Providence in recognition of and thankfulness for the Providence of God, which had guided him. This was the actual beginning of Providence Plantations and of Rhode Island; it had antecedents that require retrospect into the causes that had induced Roger Williams to venture thus into the Indian country, as well as consequences that made history.

Roger Williams was born, probably in London, in 1603, son of James Williams, a merchant tailor, and of Alice Williams, born Alice Pemberton. The date of his birth is given otherwise variously as 1599, 1601, 1604 and 1607; and the place of his birth as Gwinear in Cornwall, and as Maestroiddyn in Wales. The confusion as to identification arises from the facts (1) that there were two other persons of distinction who were born at the same period

and named Roger Williams; (2) that Roger Williams had a brother, named Robert Williams, who was a resident of and teacher at Newport, for whom he has been mistaken probably because of the somewhat similar sound of the names, and (3) that there was also at the period a man named Roderick Williams living in England. Rejecting a probably erroneous identification with a man named Williams, who was graduated from Oxford University, it appears that Roger Williams, founder of Providence Plantations and Rhode Island, was in his youth a shorthand reporter of the proceedings before the Court of Star Chamber, and there drew to himself the attention and patronage of Sir Edward Coke, who was afterward Chief Justice of England. Sir Edward Coke sent Roger Williams to Charter House to be prepared for college, and Roger Williams was graduated from Pembroke College in Cambridge University in January, 1626-1627,\* with the degree of Bachelor of Arts. In recognition thereof the first building constructed exclusively for the Women's College in Brown University was named Pembroke Hall, and when, in 1928, the Women's College became a distinct unit in the University, it was named Pembroke College.

Sir Edward Coke intended to prepare Roger Williams for jurisprudence; the latter forsook law for theology, and was ordained in the Church of England. Later he rejected preferment and promotion in the Church of England, and became a non-conformist of pronounced type. Not an adherent of the Puritan party in England, he found himself not in harmony with the Puritan party that controlled the identical civil and ecclesiastical organization of the theocracy in Boston; he appears to have been closer in doctrine to the Pilgrims of Plymouth than to the Puritans of Massachusetts. It has been suggested that Roger Williams did not know when he sailed from Bristol, England, December 1, 1630, on the ship "Lyon," that the Puritans had not separated from the Church of England, as the Pilgrims had before going to Holland. He found the Puritans not only not separated, but actually maintaining in America an established church supported by the civil state. Arrived at Nantasket on February 5, 1631, and at Boston a few days later, Roger Williams was welcomed as a "godly minister." Still, he declined an invitation to join the congregation of the church at Boston as teacher, alleging two reasons, first, that "they would not make a public declaration of their repentance for having communion with the churches in England while they lived there," which would be tantamount to a declaration of separation, and, secondly, that the civil "magistrate might not punish the breach of the Sabbath . . . as it was a breach of the first table." The latter refers to the classification of the Ten Commandments into two groups, one dealing with man's relations to God, and the other with man's relations to his fellowmen, to wit, the last six commandments. Roger Williams, in his denunciation of the prerogative assumed by the civil magistrate to punish for offences against religion not amounting to a breach of the peace, had already attained to understanding of fundamental principles of religious liberty and of separation of state and church that have become American; and at the same time had marked himself for that persecution by the Puritan theocracy that reached a climax in Massachusetts in the edict of banishment pronounced against him in 1635, and that followed him thereafter so long as he lived. The edict of banishment has never been repealed;† nor has Massachusetts ratified the first amendment to the Constitution of the United States, which embodies the doctrine of Roger Williams. The persecution was begun almost immediately; its persistent pursuit was far too relentless and too vindictive to make tenable claims by apologists for Massachusetts that the offence of Roger Williams was not principally so much religious as political and economic. As a matter of fact, the conflict between Roger Williams and Massachusetts was religious, so far as it involved fundamental questions of doctrine; was political, so far as he challenged the theocratic union of civil and religious agencies, civil support of religion, and misuse of the power of the state to enforce

\*January, 1626, Julian calendar, old style; January, 1627, Gregorian calendar, new style. The Gregorian calendar made January, instead of March, the first month.

†Massachusetts rejected bills to repeal it, 1774, 1776, 1900, 1929.

religious discipline; and economic, so far as he became an obstacle to the plans of the theocracy to bring all of New England under its control, with the magistrates-ministers in Boston as rulers.

Invited by the church at Salem to become an assistant to the minister, Roger Williams accepted, in spite of a protest to the Salem church from the Puritan magistrates at Boston, but continued for only a few months because of the persistent objection of the lord brethren. With his wife, Mary Barnard, who had emigrated with him on the ship "Lyon," he removed to Plymouth, and there for two years was an assistant to the minister of the church. During that period he established a firm and enduring friendship with Massasoit, Chief Sachem of the Wampanoag Indians, and with the warriors of the tribe and of the Narragansetts, who later, during King Philip's war, refused to molest Roger Williams when he ventured among them, although they burned the town of Providence. Equally firm and lasting were friendships with Canonicus and Miantonomah, Chief Sachems of the Narragansett Indians. Roger Williams was the intermediary passing between Massasoit and Canonicus and ending an old enmity that had estranged the sachems. Visiting the Indians frequently, Roger Williams laid the foundation for that knowledge of the Indian language which enabled him later to write and publish his "Key to the Language of America." Roger Williams was a gifted linguist; besides being a proficient stenographer, he knew Latin, Greek and Hebrew, of ancient languages, and English, Dutch and French; of vernacular languages. While in England, 1651-1654, he exchanged the reading (or translation) of languages with John Milton, and gave lessons in languages to sons of a member of Parliament, to earn money to defray his expenses. He employed "the objective method, by words and phrases used colloquially, as distinguished from the analytic method of the ordinary grammars." While at Plymouth he continued to exercise the propensity for argument and discussion that was characteristic throughout his life, and wrote a treatise on the royal patent, in which he maintained the thesis that the title to land in America could not be acquired through grant from the King of England, but only through purchase from the Indian owners settled on the land. This distinction between sovereignty and ownership became a settled conviction with Roger Williams, and explains the infinite care with which later in Rhode Island he conducted transactions with the Indians involving titles to land. It is also the accepted doctrine of modern international law, to wit, that a change of sovereignty does not affect the title to land, which continues in the original owners, and may be taken from them only by purchase by individuals, or by due process of law and with just compensation in the exercise of eminent domain.

Recalled to the Salem church as assistant minister in 1633, and chosen its pastor in 1634, Roger Williams found himself almost continually subjected to inquisition by the Boston authorities, civil and religious. He was called frequently to answer charges against him; that he gave ample cause therefor is true if it be admitted that Roger Williams was wrong, and that the Puritans were right; and there is no doubt that Roger Williams was obstinately opinionated and loved argument. Others who incurred the displeasure of the magistrates were silenced or banished; Roger Williams continued to be an outspoken advocate of truth as he saw the truth. So early as 1631 the General Court had limited freemanship (or citizenship) to members of churches, which involved the rejection of all not of the Puritan communion, and effectually reduced the number of freemen to a small fraction of the population. In 1634 a more drastic oath of fidelity to the government was prescribed. Perhaps it was this oath that precipitated William Blackstone's decision to remove from Boston. Roger Williams raised the question as to the right to administer an oath to a sinful man, on the ground that he and the officer administering the oath were thus induced to take the name of God in vain. It was his general opposition to oaths in any form, quite as much as the Quaker attitude, that induced the form of civil engagement, originating in Rhode Island, by affirmation instead of oath if preferred. The persecution of Roger Williams continued. Along with

other things of a trivial nature, yet magnified by those who sought his ruin, he was accused successively (1) of denying the validity of land titles based upon the royal patent, (2) of denying the right to engage a sinful man by oath, since the oath became a violation of the commandment as a taking of the name of God in vain, (3) of denying the right of the civil authority to punish offences against religion not amounting to disturbances of the peace, and (4) of appealing to the people of other churches than those at Boston and Salem to join with him in protest against the action of the General Court, then controlled absolutely by the Puritan zealots. When the town of Salem petitioned the General Court for land at Marblehead belonging to the town, the petition was denied solely because of the alleged contempt of the church at Salem in engaging Roger Williams as minister and in retaining him in opposition to the known wishes of the Boston Puritans! Thus the civil authority in the General Court maintained (1) a right to identify the civil agency of town with the ecclesiastical agency of church, and (2) undertook to coerce the ecclesiastical agency by refusing justice to the civil agency. There could be no clearer definition of the issue of Theocracy *vs.* Democracy, and the case is stated with Theocracy as plaintiff and Democracy as defendant because the former was aggressive in its purpose to overawe and crush opposition and to establish itself firmly. On October 1, 1635, Roger Williams was formally exiled, the edict of banishment reading thus:

WHEREAS, Mr. Roger Williams, one of the elders of the church at Salem, hath broached and divulged diverse new and dangerous opinions against the authority of the magistrates: has also writ letters of defamation, both of the magistrates and churches here, and that before any conviction, and yet maintained the same without any retracting; it is, therefore, ordered that the said Mr. Williams shall depart out of this jurisdiction within six weeks next ensuing, which, if he neglect to perform, it shall be lawful for the Governor and two of the magistrates to send him to some place out of this jurisdiction, not to return any more without license from the court.

The edict of banishment subsequently was modified to permit Roger Williams to remain at Salem until spring, but the fear that he was still actively engaged in converting adherents to his cause, and the rumor that he planned to establish another colony as a refuge for the oppressed and persecuted induced the magistrates to summon him to Boston, in January, and on his failure to appear before them to send a posse to Salem with directions to seize Roger Williams and place him on board a ship for return to England. Roger Williams anticipated the arrival of the posse by three days, leaving his family which consisted then of his wife, a child born at Plymouth and a newborn infant, and departing whither no one at Salem would tell Captain Underhill, who commanded the posse and who had been entrusted with the execution of the sentence. Whether Roger Williams journeyed by boat or overland from Salem is not known; the location of Salem north of Boston, and the open water of Massachusetts Bay, through which a boat might make its way south to Plymouth or to some harbor close to the winter quarters of Massasoit, suggested that the flight had been by water. Roger Williams did not go to Plymouth, however; it appears to be doubtful that Plymouth would offer him a refuge under the circumstances. He made his way to the winter villages of friendly Indians, and passed fourteen weeks "storm tossed," as he described the journey, in the wilderness. He visited Massasoit, and received a friendly welcome from the Chief Sachem. He purchased from Massasoit, either at this time or in 1635, land for a home and farm, and early in the spring had reached the easterly bank of the Seekonk River within what is now the town of East Providence, and began to erect a house and to plant. The news of his activity reached Plymouth, and he was requested by Governor Winslow of the Plymouth Colony, the westerly line of which extended to the Seekonk, to remove therefrom, lest a location within the Plymouth Colony affront Massachusetts. Roger Williams thereupon abandoned his farm, and made the trip down the Seekonk River which brought him to Providence. From the Slate Rock on the westerly shore of the river he was hailed by Indians

with the greeting "What cheer, netop?" Concerning this phase of the journey of Roger Williams there is doubt and disagreement, particularly with reference to the party with him. Five persons, William Harris, John Smith, Francis Wickes, Thomas Angell, and Joshua Verein, joined Roger Williams either at the plantation begun east of the Seekonk or very soon after the arrival at Providence, and with Roger Williams constituted the six original settlers. Joshua Verein was the latest arrival. Of the others Roger Williams said subsequently "Yet out of pity I gave leave to William Harris, then poor and destitute, to come along in my company. I consented to John Smith, miller at Dorchester (banished also), to go with me, and at John Smith's desire, to a poor young fellow, Francis Wickes, as also to a lad of Richard Waterman's. These are all I remember." The "lad of Richard Waterman's" was Thomas Angell, who was believed by some writers to be the only companion actually with Roger Williams on the first trip to Providence. Roger Williams purchased land from Canonicus and Miantonomah, Chief Sachems of the Narragansett Indians. Other white men from Massachusetts and Plymouth joined the new settlement. In a deed of the land purchased from the Indians Roger Williams named twelve others as with him the thirteen original proprietors of Providence Plantations: Stukely Westcott, William Arnold, Thomas James, Robert Cole, John Greene, John Throckmorton, William Harris, William Carpenter, Thomas Olney, Francis Weston, Richard Waterman, and Ezekiel Holyman. John Smith had died; Joshua Verein had returned to Boston; Francis Wickes and Thomas Angell were still minors when this deed was written in 1638. This was the beginning of a migration from Massachusetts; not all of those who became discontented with the arbitrary tyranny of the Puritans came to Rhode Island. Thomas Hooker led some 800 to the Valley of the Connecticut River in 1636, who settled at Hartford, Windsor, Wethersfield and Springfield. Out of the union of the first three towns, which were not within the territory covered by the Massachusetts patent, as Springfield was, came the state of Connecticut, first organized as a commonwealth under Fundamental Orders, still displayed to visitors to Hartford as the first constitution adopted in the United States. Hooker in a sermon preceding the adoption of the Fundamental Orders had uttered the principle of government with powers restricted by fundamental law.

**ANNE HUTCHINSON AT POCASSET**—Roger Williams was scarcely settled at Providence before a fresh controversy arose in Massachusetts over the alleged heretical teachings of Mrs. Anne Hutchinson, wife of William Hutchinson. Anne Hutchinson, born Anne Marbury, was a skillful nurse and had so much knowledge of medicine that she is sometimes referred to as a physician. She was a brilliant woman, with charm of manner, marked personal magnetism, and ability for discussion that captivated her disciples and confounded her opponents. She started the first home classes for immigrant women\* in America. It was her practice to hold weekly meetings at her home, to which other women who could not, because of household cares and duties, attend the Sunday church meetings were invited to hear Mrs. Hutchinson relay the sermons. After a while men as well as women attended these meetings. So long as Mrs. Hutchinson was content to report without comment or criticism there appears to have been no disposition to interfere, but when she ventured to criticise the Sunday sermons preached by the ministers and to take issue with the preachers upon matters of doctrine, exactly that occurred which might be expected in a theocratic state rapidly tending to bigotry of the most intolerant type. Mrs. Hutchinson would have been dealt with immediately and summarily if she had not persuaded to her belief many of the most influential members of the community, including what gave promise of becoming an aristocracy of wealth in early Boston. The controversy of this period, which involved most of the Puritans of distinction enough to be named in history, is referred to as the Antinomian heresy, and suggests

\*A term applied recently (1926) to classes in their homes for illiterate women unable to attend classes in schools.

theological and metaphysical distinctions as to alleged covenants of grace and of works. The Puritan version of the Bible laid the foundation for the controversy in so far as a translator, seeking to emphasize the importance of the word "faith," had rendered the word of Paul as "faith *alone*," although the same version of the Bible carried the familiar quotation from James, "Even so faith, if it hath not works, is dead, being alone." To the definition of metaphysics as "the attempt of one person to make another person who is not capable of understanding see clearly something which the person who is trying to explain it is himself incapable of understanding," might be added the further suggestion of difficulties that arise when neither party to a controversy, in metaphysics or in any other field of science or philosophy, is willing to try to understand the position of the other party and each insists that the other party shall accept his own exposition. Anne Hutchinson preached the doctrine of justification by faith alone, or "inward light," which had led some to style her the first Quakeress; and accused her opponents, in their emphasis upon the covenant of works, of maintaining the doctrine of sanctification by works, or external evidence. It is evident that these seventeenth century controversialists had anticipated by almost three centuries the modern squabble between introspective psychologists and those who have chosen to follow the banner of stark realism in behaviorism. The issue, important as it must have been to the Puritans, and significant because it divided them ultimately into two hostile camps, out of which arose two religious sects almost immediately and others later, is vastly less important from the twentieth century point of view than were and are the consequences of it with reference to the state. Out of the controversy came the separation of Congregational and Baptist denominations in America, and the establishment of two new settlements in Rhode Island by emigrants from Massachusetts. Eventually the anti-Hutchinson party controlled the General Court, and on November 2, 1637, William Aspinwall, Deputy from Boston, was expelled from the court, and banished from Massachusetts. John Coggeshall, also from Boston, was expelled from the court, and disfranchised. Aspinwall and Coggeshall were among the founders of Portsmouth, Rhode Island. Reverend John Wheelwright was banished, with leave to depart within fourteen days; he established the town of Exeter, New Hampshire. William Balstone and Captain John Underhill were disfranchised and fined. Mrs. Anne Hutchinson was banished. Seventy-five freemen were proscribed on November 20, and ordered to deliver up their arms and ammunition unless they would retract or leave. The church confirmed and ratified the action of the General Court with reference to Anne Hutchinson by excommunication; the words of her condemnation were pronounced by Reverend John Wilson in March, 1638:

"Therefore in the name of the Lord Jesus Christ and in the name of the church I do not only pronounce you worthy to be cast out, but I do cast you out, and in the name of Christ do I deliver you up to Satan, that you may learn no more to blaspheme, to seduce and to lie; and I do account you from this time forth to be a heathen and a publican, and so to be held of all the brethren and sisters of this congregation and of others; therefore I command you in the name of Christ Jesus and of this church as a leper to withdraw yourself out of the congregation."

The Puritan theocracy, in the instance of Anne Hutchinson and others who had followed her in religion, had once more invoked the power of the state in a religious controversy, and the state had been made the too willing agent of the church. Again, as in the case of Roger Williams, the parties were Theocracy *vs.* Democracy; and again the champions of democracy withdrew from Massachusetts. While one may ponder what punishment might have been meted out to the opponents of Anne Hutchinson had she and her followers controlled the General Court, in view of the bitterness which was involved in the struggle, there is this much that may be written truly, that they, as freemen in Rhode Island, did sustain the doctrine of liberty of conscience, and that one of them, John Clarke, wrote the King Charles Charter of 1663, which guaranteed "full liberty in religious concerns."

The defeated party had begun plans for emigration so early as the autumn of 1637. The leaders were John Clarke, a physician as well as a Baptist minister, newly arrived at Boston while the Antinomian controversy was at almost white heat, and William Coddington, third deputy from Boston to the General Court, which expelled William Aspinwall and John Coggeshall. Coddington, a rich merchant, was an adherent of Anne Hutchinson, but, though tried by the General Court, was adjudged not guilty. John Clarke arrived in Boston in November, 1637, and as he wrote in a pamphlet published in Rhode Island in 1651, and subsequently in London in 1652 under the title "Ill News from New England," thought it strange to see that men "were not able so to bear with others in their different understandings and consciences, as in these uttermost parts of the world to live peaceably together."\* He proposed migration, and to him and others was delegated the selection of a suitable place for founding a new colony. Moving to the north to escape the heat of the summer in Boston, the cold of winter was so severe, according to John Clarke's narrative, "that we were forced in the spring to make toward the south. So having sought the Lord for direction, we all agreed that while our vessel was passing about a large and dangerous Cape [Cape Cod], we would cross over by land, having Long Island and Delaware Bay in our eye for the place of residence. So to a town called Providence we came, which was begun by one Mr. Roger Williams (who for matter of conscience had not long before been exiled from the former jurisdiction), by whom we were courteously and lovingly received, and with whom we advised about our design. He readily presented two places before us on the same Narragansett Bay, the one upon the main called Sowams,† the other called then Aquidneck, now Rhode Island. We inquired whether they would fall in any other patent, for our resolution was to go out of them all. He told us (to be brief) that the way to know that, was to have recourse unto Plymouth. So our vessel as yet not being come about, and we thus blocked up, the company determined to send to Plymouth, and pitched upon two others together with myself, requesting also Mr. Williams to go to Plymouth to know how the case stood. So we did, and the magistrates thereof very lovingly gave us a meeting. I then informed them of the cause of our coming unto them, and desired them in a word of truth and faithfulness to inform us whether Sowams were within their patent, for we were now on the wing, and were resolved, through the help of Christ, to get clear of all, and be of ourselves, and provided our way were clear before us, it were all one for us to go further off as to remain near at hand. Their answer was that Sowams was the garden of their patent, and the flower in the garden. Then I told them we could not desire it, but requested further in the like word of truth and faithfulness to be informed whether they laid claim to the islands in the Narragansett Bay, and that in particular called Aquidneck? They all with a cheerful countenance made us this answer: It was in their thoughts to have advised us thereto, and if the provident hand of God should pitch us thereon they should look upon us as free, and as loving neighbors and friends should be assistant to us upon the main."

Roger Williams negotiated with the Narragansett Indians for a deed of Aquidneck, although he generously shared the credit for his success with Sir Harry Vane. Roger Williams, writing in 1658, said: "It was not price nor money that could have purchased Rhode Island. Rhode Island (Aquidneck) was obtained by love; by the love and favor which that honorable gentleman, Sir Harry Vane, and myself had with that great Sachem Miantonomah, about the league which I procured between the Massachusetts English, etc., and the Narragansetts in the Pequod War. It is true I advised a gratuity to be presented to the Sachem and the natives." The deed was taken in the name of William Coddington and others, settlers, and dated March 24, 1638. It included Rhode Island and other islands in the

\*Compare the words used in the Charter of 1663: "not being able to bear, in these remote parts, their different apprehensions in religious concerns."

†Probably Warren or Bristol; Barrington, perhaps. The exact location of Sowams has been a matter of much controversy.

bay except Prudence, the right of grass in the river and coves about Kickemuit and up to Poppasquash. On July 6 the settlers purchased wood and grass rights at Tiverton. A compact had been drawn up and signed by the settlers on March 7, 1638, and on the same day William Coddington was elected executive under the title "Judge." The first settlement on the Island of Rhode Island was made at a place called Pocasset on the shores of the cove north of the village now called Newport. That this site rather than the later location at Newport happened to be chosen is explained by the probability that the vessel carrying the larger number of settlers entered Narragansett Bay through the Seconnet River, and sailed up, selecting the cove as the most feasible anchorage and landing place. The Aquidneck compact bears the signatures of William Coddington, John Clarke, William Hutchinson, Jr. (husband of Anne Hutchinson), John Coggeshall, William Aspinwall, Samuel Wilbur, John Porter, John Sanford, Edward Hutchinson, Jr., Thomas Savage, William Dyer, William Freeborn, Philip Sherman, John Walker, Richard Carder, William Balstone, Edward Hutchinson, Sr., Henry Bull and Randall Holden. The names of Thomas Clarke, John Johnson, William Hall and John Brightman also were signed, but bear erasure marks on the original document, which is in the Rhode Island archives in the possession of the Secretary of State. At the first town meeting held at Pocasset on May 13, 1638, William Coddington, William Hutchinson, John Coggeshall, Edward Hutchinson, William Balstone, John Clarke, John Porter, Samuel Wilbur, John Sanford, William Freeborn, Philip Sherman, John Walker and Randall Holden, the original thirteen at Pocasset, were present.

**NEWPORT SETTLED**—The settlement at Pocasset grew rapidly as other disciples of Anne Hutchinson than those banished or disciplined withdrew from Massachusetts and followed her to Rhode Island. There were probably not less than 100 families at Pocasset in the first year of the settlement. Careful exploration of the island was made, disclosing the land-locked harbor at Newport, with possibilities for commercial development quickly recognized by the alert settlers, some of whom, including Coddington, were merchants, to whom farm life was irksome. On April 28, 1639, an agreement signed at Pocasset by William Coddington, John Clarke, Nicholas Easton, Jeremy Clarke, John Coggeshall, Thomas Hazard, William Brenton, Henry Bull and William Dyer witnessed their agreement to withdraw and found a settlement elsewhere on the island. Newport was chosen as the site for the new settlement. March 12, 1640, the two island settlements reunited, and the name Portsmouth was assigned to the plantation (Pocasset) at the north end of the island.

As Providence had been, and was still, Newport and Portsmouth also became havens of refuge for the persecuted from other New England colonies and from England and other parts of Europe. To Newport came the "Woodhouse," the first Quaker ship, which landed eleven Quakers on the island. Thither also fled Obadiah Holmes from Massachusetts, after banishment, and from Plymouth, where he had established at Seekonk the first Baptist church in the Cape Cod colony. Of the original Pocasset and Newport settlers, and of those who came later, many departed for other places. William Hutchinson died in 1642, and his widow, Mrs. Anne Hutchinson, removed with his family shortly thereafter to a spot near Hell Gate at the western entrance to Long Island Sound. There she and the family were murdered by Iroquois Indians. Of the character and ability of Anne Hutchinson estimates of contemporaries vary with the bias of the period. Of later writers among even the descendants of the Massachusetts Puritans the opinion generally held is that she was a remarkable woman whose appearance in Boston happened at a period in which the town was psychologically prepared for the outburst which her teaching precipitated. Not all of the Puritans were ready to follow the leadership that was converting the government of the colony into an unbearable tyranny. Roger Williams and Thomas Hooker had left, each one to establish a democracy that approached nearer to the ideal that was to be American. In dealing with Anne Hutchinson and her followers, as with others before and after, the Massachusetts

leaders assumed the position that religious freedom threatened the security of the state; *it did seriously threaten theocracy*. With the departure from the colony of one after another of the progressive spirits who might have saved it from madness, the control of the government of Massachusetts was strengthened for the megalomania that displayed itself in the frenzied fury of whipping heretics, hanging Quakers and burning witches, which ended only when the King of England, Charles II, intervened and forbade judicial murder in Massachusetts, 1661.

**SAMUEL GORTON**—A fourth settlement in Rhode Island was made at Shawomet, later called Warwick, by Samuel Gorton, sometimes called the Firebrand of New England, who purchased land from the Indians under a deed dated January 12, 1642-1643. Gorton arrived at Boston from England in March, 1637, and removed shortly thereafter to Plymouth. Scarcely a year had passed ere his views upon religion had occasioned a disturbance in Plymouth. Ralph Smith objected to Mrs. Smith's attendance at religious ceremonies conducted by Gorton in the latter's home, and sought to evict Gorton, who occupied part of a house owned by Smith. In the parallel case in Providence Joshua Verein was disfranchised temporarily for interfering with his wife's liberty of conscience in attending religious ceremonies of her own choice. The outcome of the Gorton-Smith controversy in Plymouth is not clear from the record. Samuel Gorton was banished from Plymouth *actually* for open contempt of court in the process of defending Ellin Aldridge, a servant in his family, who was threatened with exile as a *vagabond outcast because she had smiled in church*. If Gorton did not display his contempt for the court and government at Plymouth in his arraignment of the judges, he made no serious effort to conceal it. The dignity of a court must be preserved even in a democracy.

From Plymouth Samuel Gorton removed to Pocasset; there he was one of those who signed an agreement to reorganize the body politic after the withdrawal of the Newport settlers, carrying with them officers and records, had destroyed for the time being the government existing under the compact signed at Boston. Gorton subsequently refused to become a party to the agreement of March, 1640, through which Newport and Pocasset, the latter under the name of Portsmouth, were reunited, and at that time raised a question as to the right of any group of settlers to establish a government without royal sanction. This issue of legitimacy was fundamental, involving as it did controversy that troubled Rhode Island for a generation, until, in 1663, King Charles II granted the royal Charter. Before the court at Portsmouth, this time defending another servant, who was charged with assault and battery, Gorton denied the court's jurisdiction and constitutionality for want of royal authorization, alleging that none of the governments in Rhode Island had a legal foundation through relation to the crown.\* Again Gorton so conducted himself as openly to affront the court and incur punishment for flagrant contempt, not the least of his offences including addressing the justices as "just asses." No court may admit its own incompetence to the extent of denying the validity of the government to which it owes its existence; a justice of the Supreme Court of Rhode Island remarked two and one-half centuries later in the course of a trial in which the constitutionality of the court itself had been questioned,† that "the court has no constitutional right to commit suicide." Whether or not Gorton was whipped, a moot question for debate, he was ordered to depart from the Island of Rhode Island, and went. In maintaining that there was no *legal* establishment in Rhode Island Gorton had neglected the possibility that a *de facto* government may become *de lege*. There was no question of religion, and none of conscience involved in the Portsmouth trial.

Gorton went to Providence, and there he applied for reception as freeman and inhabitant. Both Roger Williams and William Arnold opposed the petition, because of the *contempt for*

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\*For a discussion of this point see *Newport vs. Gorton*, 22 R. I., 196.  
†*Floyd vs. Quinn*, 24 R. I., 147.

*government* which Gorton had expressed at Plymouth and at Portsmouth. Roger Williams was not willing to expand his insistence upon liberty of conscience and full liberty in religious concerns to the anarchy and chaos involved in the denial of civil government. His position on this issue was expressed clearly and masterfully in a letter written some years later:

There goes many a ship to sea, with many hundred souls in one ship, whose weal and woe is common, and this is a true picture of a commonwealth, or a human combination, or society. Both Papists and Protestants, Jews and Turks, may be embarked in one ship, upon which supposal I affirm, that all the liberty of conscience that ever I pleaded for turns upon these two hinges—that none of the Papists, Protestants, Jews or Turks be forced to come to the ship's prayers or worship, nor compelled from their own particular prayers or worship, if they practice any. I further add that I never denied that, notwithstanding their liberty of conscience, the commander of this ship ought to command the ship's course; yea, and also to command that justice, peace, and sobriety, be kept and practiced, both among the seamen and all the passengers. If any of the seamen refuse to perform their services, or passengers pay their freight; if any refuse to help, in person or purse, toward the common charge or defence; if any refuse to obey the common laws and orders of the ship concerning their common peace or preservation; if any shall mutiny, and rise up against their commanders and officers; if any should preach or write that there ought to be no commander because all are equal in Christ, therefore no masters or officers, no laws or orders, nor corrections nor punishments; I say I never denied but in such cases, whatever is pretended, the commander or commanders may judge, resist, compel, and punish such transgressors according to their deserts and merits.

Gorton and his followers continued in Providence until the resistance of one of them to the service of court process distraining his cattle in civil proceedings arising out of a personal law suit produced bloodshed. They then withdrew to Pawtuxet and built houses. At Pawtuxet events followed rapidly to produce the situation that preceded armed intervention by Massachusetts,\* the arrest and trial of Gorton in Massachusetts, and treatment of Gorton by the Massachusetts authorities which made him, now a martyr suffering in a common cause, beloved of Rhode Islanders because of his treatment by the common enemy, and because of his subsequent contribution to the strength of colony and state. Gorton and his followers removed from Pawtuxet to Shawomet, the purchase of which included the territory now occupied by the towns of Warwick, West Warwick and Coventry. Gorton in later years was a constructive, though always belligerent, participant in public affairs.

**LATER SETTLERS**—No list of settlers in Rhode Island would be complete that did not include all of those who have come through three centuries, for Rhode Island is still in the twentieth century a frontier state in its work of absorbing immigration attracted hither by the broad liberality of public life and opportunities for employment. It remains at this time to mention, following the settlement of the four original Rhode Island towns, other earlier settlers and settlements that were not merely extensions of the original communities. Westerly, the fifth Rhode Island town to be incorporated, was settled by Newport people, drawn thither by the advantageous situation with reference to the Pawcatuck River and Little Narragansett Bay. The Island of Manisses, called Louisa by Verrazzano and Block Island by the Dutch rediscoverer, was taken by Massachusetts as spoils of conquest in the Pequot War, and granted on October 19, 1655, to John Endicott and others, who sold it to a land company. Settlement was begun in 1662, the party proceeding from Boston to the Taunton River, through which and Mount Hope Bay, and Narragansett Bay they sailed out to the island. A granite monument marks the spot near which these pioneers made their landing and began their plantations. Block Island was included in Rhode Island as described by the Charter of 1663, and was incorporated as a town under the name of New Shoreham in 1672.

In the Narragansett country, a name applied in colonial days to approximately all of Washington County, and part of Kent County, trading posts were established by the Dutch

\*See Chapter V.

at an early period. Richard Smith, originally from Gloucestershire, England, but directly from Taunton, established a trading post at what has since been known as Wickford. The lumber for the house was transported by ship from Taunton. Near Smith's trading post Roger Williams also maintained a trading post for a few years, eventually selling out to Smith his "trading house, two big guns and a small island for goats." Richard Smith leased land from the Indians in 1656 for sixty years; in 1659 for 1000 years; and in 1660 obtained title in fee simple by quitclaim deed of the reversion. Randall Holden and Samuel Gorton bought Fox Island and a neck of land near Wickford in 1659. The Atherton purchase of a large part of the Narragansett country, made in violation of law, was one source of friction between Rhode Island, Connecticut and Massachusetts, all rival claimants.\* When Walter House was killed by Thomas Flounders, inquests were conducted by both Rhode Island and Connecticut officers. The territory was organized as a Rhode Island town under the name Kingstown in 1674.

What promised to be a flourishing French Huguenot settlement at Frenchtown in East Greenwich failed because title to land was found to be defective, and settlers were dispossessed. In October, 1686, a number of French Huguenots purchased in London from the Atherton Company a tract of land in the Narragansett country, described as all of what is now the part of Rhode Island west of Narragansett Bay and south of the old town of Warwick. Forty-eight Huguenot families, then refugees in London, were to receive under the contract of purchase 100 acres of upland each, and a share of meadow land. They came originally from La Rochelle, Saint-Onge, Poitou, Guyenne, and Normandy. Prominent members of the group were Ezechiel Carré, their pastor; Pierre Ayrault, a physician, and Pierre Berthon de Marigu of Poitou. Arrived at Frenchtown, the settlers began building shelters against the coming winter. They worked rapidly, and before the cold weather set in had put up about twenty houses, and a few cellars or dugouts were completed. The dugouts, prepared by those who intended to put up durable houses in the following summer, were square pits, about seven feet deep, floored and walled with wood, and roofed with logs and layers of turf. There was nothing pretentious about these little temporary homes, but they were comfortable and kept out the cold. While waiting for the spring farming season to open, the Huguenots busied themselves with clearing their acres of stones, cutting out trees and brush and otherwise preparing the fields for cultivation and planting. Fifty acres of land were set off for the maintenance of a school, and 150 acres were donated to pastor Carré for his support, and plans were made to build a church as soon as weather conditions would permit.

When the spring season opened the Huguenots went to work with zeal, and it was not long before what had been a wilderness was a veritable garden. Diligence was observed, the cellars or dugouts gave way to substantial buildings, and where the virgin forest had been, now were orchards and vineyards. About the homes were hedges, fences and attractive flower gardens, the seed for which had been brought from Europe by the women of the colony. Skilled in grape cultivation, some of the East Greenwich Huguenots raised a variety from which superior wine was made. Others turned their attention to the planting of mulberry trees, intending to establish silk raising, spinning and weaving as a permanent industry. They believed that it would not be many years before large numbers of experienced silk spinners and weavers would come from the old country and set up at Frenchtown the centre of the silk business of the new country. It was a beautiful dream, the realization of which doubtless would have made that part of Rhode Island enormously wealthy. But the dream did not prove to be true. Within five years from the day of their arrival at Frenchtown only two Huguenot families remained. The Huguenots, innocently, had settled on land to which others held claims antedating that of the Atherton Company. One by one the Huguenots

\*Chapter V.



BRIDGE AND MAIN STREETS, WICKFORD



OLD CHURCH BUILT IN 1707, WICKFORD



were dispossessed of lands which they had cleared and cultivated. In 1691 the settlement was abandoned. The story of Frenchtown awaits a poet who can weave into epic verse a tale of Acadian simplicity, reminiscent of Longfellow's "Evangeline."

Gabriel Bernon, another Huguenot, came to Newport in 1695, and later to Providence. He was largely instrumental in building Trinity Church in Newport; St. Paul's Church in Kingstown, and St. John's Church in Providence, the first three Episcopal churches in Rhode Island. He was buried in St. John Churchyard, Providence, in which a tablet preserves his memory. One of his daughters married Chief Justice Helme of the Supreme Court of Rhode Island, 1767-68. The second wife\* of Gabriel Bernon was Mary Harris, granddaughter of William Harris, that one of Roger Williams' loving companions who was engaged in law suits with Williams covering a long period of years.

Barrington, 1660, Bristol, 1680, and Little Compton, 1674, held by Massachusetts until 1742 in spite of the clear purport of the definition of boundaries in the King Charles Charter, were settled by Pilgrims from the Plymouth Colony. The names of early inhabitants of these towns include the family names of many who afterward were prominent in the history of Rhode Island. The peninsula at Bristol was sold by the Plymouth Colony to John Walley, Nathaniel Byfield, Nathaniel Oliver and Samuel Burton for £1100, the price indicating the value placed upon this location by the Pilgrims, who planned to make Bristol the seaport of Plymouth Colony. Benjamin Church, the same Captain Benjamin Church who won renown as a resourceful commander in wars with the Indians, was invited by John Almy to visit Little Compton in 1674, and purchased land there with the purpose of settlement. Almost immediately thereafter came the beginning of King Philip's War and work elsewhere for the Captain, which suggested postponement of the homebuilding project. Other early settlers at Little Compton included Elizabeth Alden Peabody, much better known as Betty Alden, and her husband, whom Roswell B. Burchard, who married a descendant of Captain Church and was later Lieutenant Governor of Rhode Island, styled a man honored principally because of his wife. Elizabeth Alden Peabody was born Elizabeth Alden, child of John Alden and Priscilla Mullin, whose romantic love story Longfellow immortalized in the "Courtship of Myles Standish."

Of the Dutch who built trading posts for traffic with the Indians and who were also parties to a profitable trade with the people of Rhode Island during the period in which ill feeling with neighboring colonies prevailed, little trace remains save the fact that many place names were established by the maps published by the Dutch geographers, including possibly the name of the State of Rhode Island. Some of the Dutch traders remained in Rhode Island after the English had taken Manhattan and renamed New Amsterdam as New York, and intermarriages resulted. Many of the followers of Anne Hutchinson subsequently became Baptists, no doubt because of the teaching and preaching of John Clarke; and many others became Quakers, the name commonly given to members of the Society of Friends. Quakers were received cordially in Rhode Island, though dealt with summarily in Plymouth by whipping and banishment, and in Massachusetts by scourging, branding, torturing, cutting off of ears and hanging. Roger Williams had no sympathy with the doctrines of the Quakers, as witness his journey to Newport when over seventy years of age, paddling his own canoe through nearly thirty miles of open water, to debate with George Fox "fourteen points"† involving questions of dogma. Subsequently Roger Williams published the pamphlet entitled "George Fox Dug Out of His Burrowes."‡ But drastic as he was in condemning the doctrines of the Society of Friends, and caustic as was the language which he hurled at their leader, Roger Williams would not acquiesce in measures to exclude Quakers from Rhode Island or to interfere with them otherwise merely for entertaining their beliefs and for prac-

\*His first wife, "The Star of La Rochelle," by Elizabeth Nichols White.

†Rhode Island anticipated Woodrow Wilson's "fourteen points."

‡Fox's answer: "A New England Firebrand Quenched."

tising the rites of their religion.\* The Society of Friends erected the first meeting house at Portsmouth, and the Quakers subsequently furnished a long line of distinguished Rhode Islanders, including several who became Governors.

Hebrews, who were tolerated in few Christian countries in the seventeenth century, began to settle in Rhode Island so early as 1655, coming some from New Amsterdam and from Curacao, both Dutch, and others directly from Holland. Rhode Island's toleration was broad enough to embrace Hebrews as well as Christians of all denominations, and the Rhode Island Hebrews of the seventeenth century became the nucleus for an influential community. The liberality of Roger Williams appears in his proposition while in England in 1654, "whether it be not the duty of the magistrate to permit the Jews, whose conversion we look for, to live freely and peaceably amongst us," and his plea: "Oh, that it would please the Father of Spirits to affect the heart of the Parliament with such a merciful sense of the soul-bars and yokes which our fathers have placed upon the neck of this nation, and at last to proclaim a true and absolute soul-freedom to all the people of the land impartially, so that no person shall be forced to pray nor pay otherwise than as his soul believeth and consenteth." As for England there was hope in the famous Declaration of Breda made by Charles Stuart, who was to be Charles II, in anticipation of his return to the throne of his father.

Governor Peleg Sandford of Rhode Island, writing from Newport, May 8, 1680, answering a questionnaire sent out by the British Board of Trade, said: "Those people that go under the denomination of Baptists and Quakers are the most that publicly congregate together, but there are others of divers persuasions and principles all which together with them enjoy their liberties according to his majesty's gracious Charter to them granted, wherein all people in our colony are to enjoy their liberty of conscience provided their liberty extend not to licentiousness, but as for Papists, we know of none amongst us."

Truly the spirit of Roger Williams had entered into Rhode Island.

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\*Chapter V.



## CHAPTER IV. RELATIONS WITH THE INDIANS.



ERRAZZANO, in his letter to King Francis, recorded the general friendliness of Indians along the Atlantic Coast south of Maine to white visitors, and particularly the cordial relations maintained with the Indians for the two weeks the Florentine navigator spent in Narragansett Bay. The relations between the settlers of Pennsylvania and the Indians, established under William Penn's treaty, indicate the possibilities for peace with aboriginal inhabitants. The Dutch were wise enough to purchase Manhattan Island from the Iroquois, and had little trouble with them thereafter. When the Pilgrims landed at Plymouth they encountered no Indians, and learned subsequently that Squanto was the only survivor of the Indians in that vicinity, called Patuxet by the Indians, the others having died in a pestilence. Squanto was friendly, as was Samoset, the Indian who came from the north to Plymouth in the spring of 1621. Squanto taught the Pilgrims the Indian method of planting corn and of using the fish called menhaden as fertilizer. Through Squanto friendly relations were established with Massasoit, Chief Sachem of the Wampanoags, and visits were exchanged with him, Pilgrims going to his headquarters at Mount Hope, which the Indians called Pokanoket. The Pilgrims nursed Massasoit through one serious illness and thus won his lifelong friendship. Massasoit was probably forty years of age in 1620; he lived for forty years thereafter, continuously at peace with the white settlers. There is a tradition that the Narragansett Indians sent to Plymouth shortly after the settlement a sheaf of arrows tied with a snakeskin. When Squanto interpreted this as a threat, the Pilgrims returned the snakeskin filled with powder and shot. There were no hostilities between Pilgrims and Narragansetts, nevertheless; the Plymouth colony reached the boundary of Narragansett dominion, but did not infringe upon it.

Roger Williams had established a friendship with Massasoit and the Wampanoags, and with Canonicus and Miantonomah, Chief Sachems of the Narragansetts, while he resided at Plymouth. The land first occupied by him in East Providence was purchased from Massasoit; when he settled at Providence he bought land from Canonicus and Miantonomah, and he made other purchases later. He also negotiated with the Indians the purchase of Aquidneck on behalf of John Clarke and William Coddington. The details of the Aquidneck purchase furnish a key to the general policy of Roger Williams and the Rhode Island settlers, which explains the satisfactory relations between them and the Indians. Roger Williams advised not only generous payment to the Chief Sachems, but also compensation for Indians dispossessed and asked to remove from the island. In this recognition and distinction of sovereignty and of private ownership, Roger Williams anticipated a principle of international law, and of justice in dealing with the inhabitants of a territory which was as unusual in the seventeenth century as it was significant for continued peace.

THE INDIAN TRIBES—Westward in Connecticut early settlers in the Hartford colony encountered the Pequot Indians, who by 1636 were already divided into two rival tribes, the Pequots led by Sassacus, their hereditary Chief Sachem, and the Mohicans, consisting of followers of Uncas, who had been banished from the Pequots for rebellion against his chief. Uncas became the outstanding figure among the Indians in Connecticut, with the subjection of the Pequots in the Pequot War, which was the first in a series of Indian wars in southern New England, in none of which Rhode Island participated, but in all of which matters of interest to the colony and the people were involved. Viewing the situation as of 1630, there

were three principal tribes corresponding practically with the territories later assigned to three colonies.

As Cæsar might have described it, all of New England south of the forty-second parallel of north latitude, which corresponds to the northern boundaries of old Plymouth, Rhode Island and Connecticut, was divided into three parts, of which one part, Plymouth, was inhabited by the Wampanoags; another part, Rhode Island, the Narragansetts occupied; and the third part, Connecticut, was the territory of the Pequots and Mohicans. Of these the Narragansetts were the most warlike, though by no means the most troublesome, the latter characterization being reserved for the Mohicans and Pequots. Prior to the coming of the Pilgrims the Narragansetts had reduced all the Indians of southeastern New England, including the weakling Massachusetts Indians to the north, to the position of tributaries. The Narragansetts could place 1000 warriors in the field; some writers estimate their effective military strength at 5000 warriors. An indication of the relations between Narragansetts and Wampanoags appears in the Aquidneck deed, in the words "by virtue of our general command of this bay and also the particular subjecting of the dead sachems of Aquidneck and Kitackamuckquett, themselves and land unto us." An enduring hostility between Narragansetts and Mohicans was fanned into a personal feud between the Sachems Miantonomah and Uncas, and occasioned much of the turmoil among the Indians in the half-century from the landing of the Pilgrims to King Philip's War. The relations between the Indian tribes was significant, as it tended to affect the policy of the sachems toward the white settlers. Had that policy been hostile in the first instance, while the Indian strength was intact, and while the settlers were still weak, the permanent settling of New England by the English might have been delayed for at least another century, if indeed New England meanwhile had not become part of New France. The Indian policy was peace. The peace policy was based upon the sagacity of the Indian Sachems, and the events of the period indicate the keenly practical diplomacy of three great chieftains—Massasoit, Canonicus and Uncas.

Massasoit was far from being in his dotage when he established a friendship with the Pilgrims which amounted to an alliance. He had merely grasped an opportunity, as he saw it, to rescue his tribe from the bondage imposed by the Narragansetts, and he took advantage of a favorable opportunity to renounce subjection, with the assurance of support by the Pilgrims. Had his policy been war, the issue might have been different; he was content with peace, once independence had been secured. He felt that the lesson of the sheaf of arrows had not been wasted upon the Pilgrims, and that they would join him in resisting an invasion by the Narragansetts. In this interpretation of his policy Massasoit rises to a stature commensurate with the rugged nobility of the Indian character as displayed in unswerving loyalty and devotion to those with whom he had made an alliance. Massasoit was not vindictive. His peace policy had achieved the success he had wished. Over in Connecticut the wily Uncas sought to increase his own strength by enlisting with the settlers against his kinsmen in the Pequot War, and thereafter through alliance with the white men to reestablish the glory of the tribe. The policy of Uncas was not peace, except so far as peace could be made advantageous in increasing his strength for the destruction of the Narragansetts, which he continually plotted. The policy of Canonicus was peaceful. Canonicus had not failed to recognize the possible and probable effects upon the Indians of the steady immigration of white settlers. He understood clearly and appreciated thoroughly the weakness, from the point of view of military strategy, of the Narragansetts, as they lay between the Wampanoags and the Pequots, each watching and waiting for an opportunity to strike. The Pequots were far more formidable than the Wampanoags. Canonicus welcomed an alliance with Massachusetts, which was negotiated by Roger Williams, as it promised maintenance of the *status quo* and comparative security for his people. Eventually the three Indian tribes were allied each with a distinctive body of settlers—Wampanoags with Plymouth, Narragansetts with

Massachusetts, and Mohicans with the Connecticut settlers of the Hartford colony. Advantage lay with the colonists, inasmuch as there was no alliance binding the Indian tribes together, which might have produced an alignment of Indians as common friends against settlers as common enemies of the Indians. As it was, the Indian quarrels continued, tribe fighting tribe relentlessly, wasting life and strength while the colonists continued to become more and more formidable. The situation, though peaceable enough in its external appearances, as all the parties except Uncas favored peace, was tense with possibilities for war, and Uncas plotted unceasingly.

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**THE PEQUOT WAR**—The first war, called the Pequot War, was precipitated by the murder by Indians of an English trader, John Oldham, on Block Island in July, 1636, one month after Roger Williams had settled at Providence. Two boys, who had been with Oldham, were held as captives. Whether the murderers were Narragansetts or Pequots, some of whom had invaded Block Island, the outrage had been committed within the domain of the Narragansetts. Miantonomah, at the request of Roger Williams, sent an expedition to Block Island to avenge the murder, recover the property of the trader and secure the release of the two boys. The boys were sent to Boston, Canonicus received ambassadors from Massachusetts kindly, and sent them home with assurances of friendship. Massachusetts then sent out a punitive expedition with instructions to go to Block Island, *kill all the men, carry off the women and children*, and take possession of the island. John Endicott, who led the expedition, could not find the hiding places of the Indians; he burned the Indian villages and stove in their canoes. Proceeding from Block Island to the mouth of the Pequot River, later called the Thames, the Pequot town there on the site of New London was burned, fourteen Indians were killed and forty wounded. The Pequots went on the warpath immediately, harassing the defenceless Connecticut settlements through a winter of mingled dread and horror. Sassacus, the Pequot Sachem, was on Long Island at the time his town was burned. On his return he undertook to form a confederation of Indians, including Pequots, Mohicans and Narragansetts, against the white settlers, and sent emissaries to the Narragansetts to make peace with them and to endeavor to persuade Canonicus and Miantonomah to join the common enterprise. New England faced a crisis, and Massachusetts turned to the only white man in New England who could avert the tragedy—Roger Williams, against whom an edict of banishment was still in force in Massachusetts. At the risk of his life Roger Williams made his way to the Indian council. As he described the event later:

Upon letters received from the Governor and Council at Boston, requesting me to use my utmost and speediest endeavors to break and hinder the league labored for by the Pequots and Mohicans against the English (excusing the not sending of company and supplies by the haste of the business), the Lord helped me immediately to put my life into my hand, and scarce acquainting my wife, to ship myself alone, in a poor canoe, and to cut through a stormy wind, with great seas, every minute in hazard of life, to the Sachem's house. Three days and nights my business forced me to lodge and mix with the bloody Pequot ambassadors, whose hands and arms, methought, reeked with the blood of my countrymen, murdered and massacred by them on Connecticut River, and from whom I could not but nightly look for their bloody knives at my throat also. God wondrously preserved me, and helped me to break to pieces the Pequots' negotiation and design; and to make and finish, by many travails and charges, the English league with the Narragansetts and Mohicans against the Pequots.

On October 21, 1636, Miantonomah, two sons of Canonicus, and other Narragansett Indians were received with military honors by Governor Harry Vane at Boston, and within two days concluded the making of a treaty of alliance, offensive and defensive, against the Pequots. Similar peace was made with Uncas, who was crafty enough not to join with his brethren, the Pequots, once it was certain that the Narragansetts would not become members of the proposed confederation. Sassacus could not be deterred from making a fight for the freedom he saw vanishing with the increasing strength of the colonies. Following winter

and spring attacks by Indians, the Connecticut settlers organized an expedition against the Pequots, which Uncas joined with a band of his Mohican warriors. After making a demonstration in front of one of two fortified Pequot villages between the Mystic River and the Pequot River, the attacking force apparently retreated. Actually they sailed for Narragansett Bay, debarked near Wickford, and marched across country with the purpose of attacking the Pequots from the rear. Reinforcements from the Narragansetts joined the expedition. At daybreak on May 26, 1637, the colonists, who had been deserted by all but a few of their Indian allies, made an attack upon the Pequot village from two sides, meeting determined resistance from the Pequots, who were slow in arousing themselves from heavy slumber following a prolonged celebration the night before of the supposed withdrawal of the attacking party. Captain John Mason, commanding, set the Indian village on fire, and his followers, including the Indians who had meanwhile returned, picked off the Pequots who escaped from the flames. Five to seven hundred Pequots, men, women and children, perished, most of them slowly roasting to death hemmed in by a circle of determined foes. Seven were taken prisoners, and not more than eight escaped. The English casualties were twenty-two, including two killed. Other Pequots, coming up as the slaughter ended, were repulsed, and the attackers retired in good order.

The power of the Pequots had been broken; the remnants of the tribe were systematically hunted down and annihilated. One historian relates that Sassacus and seventy warriors made their way to the Mohawks; another that Sassacus and twenty warriors were massacred by Mohicans with whom they had taken refuge. The Mohicans sent a scalp lock, alleged to be that of Sassacus, to Boston. In a last determined stand by the Pequots, westward near New Haven, 200 old men, women and children were surrendered, and eighty warriors fought to the last man. Of the prisoners taken a division was made amongst Mohicans, Narragansetts and the colonists. The colonists' prisoners were *kept as slaves* in New England or *sold as slaves* in the West Indies. Roger Williams advised vainly against the ultimately harsh measures against the Pequots. Their destruction strengthened the power of Uncas with the Indians of Connecticut and increased his prestige with the colonists of Massachusetts and Connecticut. At the same time it opened up the possibility of further colonization, and new towns were planted along the shores of the Sound, including New Haven.

**DEATH OF MARIANTONOMAH**—Allies for the time being in a common enterprise against the Pequots, hostile to both, the Narragansetts and Mohicans soon found occasion for renewing ancient animosities in a quarrel over the division of Pequots taken captive in the war. To quiet this conflict commissioners of the colonies summoned Miantonomah and Uncas to a conference at Hartford, and on September 21, 1638, a treaty to outlaw war was negotiated, which included provisions for arbitration of Indian quarrels by the English, in the following terms: "If there fall out injuries and wrongs, each to the other or their men, they shall not presently revenge it, but they are to appeal to the English, and they are to decide the same, and if one or the other shall refuse to do it, it shall be lawful for the English to compel him and take part if they see cause against the obstinate or refusing party." Uncas continued to plot. Miantonomah in 1640 was accused of conspiring with the Mohawks, and in 1642 of planning a general Indian uprising against the settlers; of both charges he was acquitted by the Massachusetts magistrates, who appear not to have been deceived by Uncas. When, however, in 1642-1643 Miantonomah and Canonicus sold land at Shawomet to Samuel Gorton, they incurred the displeasure of Massachusetts. Pomham and Soconoco, local sachems, disclaimed the right of Canonicus and Miantonomah to sell Shawomet, themselves sold Shawomet to Benedict Arnold and others, and with Arnold and his company submitted themselves to the jurisdiction of Massachusetts, which then was seeking a seaport on Narragansett Bay.\* Massachusetts sustained the claims of Pomham and Soconoco. Returning home from Boston,

\*For further discussion see Chapter V.

Miantonomah learned that Sequassen, a Narragansett, had been set upon by Uncas and several of his followers killed. Miantonomah, as required by the terms of the Hartford treaty, complained to Connecticut and was repulsed with the answer that "the English had no hand in it." Massachusetts also turned a deaf ear to his complaint, giving Miantonomah leave "to take his own course." Miantonomah marched against Uncas, and the Narragansetts and Mohicans faced each other in battle array near the present town of Norwich, Connecticut. Uncas in parley with Miantonomah, who commanded a superior force, proposed a personal combat, and when this was refused, treacherously dropped to the ground, a prearranged signal, while his warriors fired over his body and charged upon Miantonomah and the Narragansetts. Miantonomah's life was saved from the Mohican arrows by a coat of mail which he wore, but in the flight precipitated by the unexpected onslaught of the Mohicans the same coat of mail so hampered his movements that he was taken prisoner. Uncas hesitated to slay Miantonomah, according to the Indian practice, and carried his prisoner to Hartford. On appeal, the commissioners of the colonies found that the Narragansetts had violated the treaty, though both Connecticut and Massachusetts had waived aside Miantonomah's complaints before he had undertaken hostilities. Caught in a dilemma, hesitating to incur the enmity of Uncas by releasing Miantonomah, which could be justified by the treachery of the former, or to incur the hatred of the Narragansetts by condemning him, the commissioners referred the matter to a convocation of ministers assembled at Boston. On the advice of the synod Miantonomah was turned over to Uncas, in September, 1643, and tomahawked by Mohican warriors in the presence of English witnesses sent for the purpose. Once more the civil authority in Massachusetts had submitted to the church authority. The execution of Miantonomah has been condemned by unbiased historians as clerico-judicial murder, and the motives for it are found in the greed of Massachusetts to obtain a seaport on Narragansett Bay, hatred for Samuel Gorton, and the fact that Miantonomah was friendly to Gorton and had sold land to Gorton. Roger Williams was in England at the time; it is rather doubtful, however, that his influence, always potent with the Indians, would have prevailed to the extent of rescuing Miantonomah. The friendship of the Narragansetts had been flaunted, in spite of the truth of the remark of Roger Williams, "I cannot learn that ever it pleased the Lord to let the Narragansetts stain their hands with any English blood."

"The savage soul of Uncas," wrote Stephen Hopkins a century later, "doubted whether he ought to take away the life of a great king, who had fallen into his hands by misfortune; and to resolve this doubt he appealed to the Christian commissioners of the four united colonies, who met at Hartford in September, 1643. They were less scrupulous, and ordered Uncas to carry Miantonomah out of their jurisdiction and slay him; but kindly added that he should not be tortured. They sent some persons to see execution done, who had the satisfaction to see the captive king murdered in cold blood. This was the end of Miantonomah, the most potent Indian prince the people of New England ever had any concern with; and this was the reward he received for assisting them seven years before in their wars with the Pequots. Surely a Rhode Island man may be permitted to mourn his unhappy fate, and drop a tear on the ashes of Miantonomah, who, with his uncle, Canonicus, were the best friends the colony ever had; they kindly received, fed and protected the first settlers of it when they were in distress and were strangers and exiles, and all mankind elsewhere their enemies; and by their kindness to them drew upon themselves the resentment of the neighboring colonies, and hastened the untimely end of the old king."

The reference in preceding paragraphs to the commissioners of the colonies is to the New England confederation under the title "United Colonies of New England," which was organized on May 19, 1643. The confederation included Plymouth, Connecticut, New Haven and Massachusetts Bay. Maine's application for membership was rejected, and an application from Rhode Island met "utter refusal" unless they would "absolutely and without reser-

vation submit" themselves to Plymouth or Massachusetts.\* The confederation was organized for concerted action, particularly with reference to the Indians. Uncas received, along with the privilege of murdering Miantonomah, an assurance of assistance from the colonies in the event of reprisals by Canonicus and the Narragansetts. The latter had raised and paid an enormous ransom for Miantonomah, which was retained in spite of the murder. To the grief of his followers was added the economic loss of the ransom. The spirit of the Narragansetts was bitter, and both Canonicus and Pessacus, brother of Miantonomah, who had become the new Sachem, brooded and plotted. In October, 1643, and again in March of the following year Pessacus sent presents to Massachusetts, seeking colonial neutrality in a war to be waged on Uncas. The presents were rejected, and Pessacus was advised that the colonies would stand by Uncas.

On April 19, 1644, Pessacus, as Chief Sachem; Canonicus, as guardian of Miantonomah; and Mixan, son and heir of Canonicus, submitted themselves to the sovereignty of the King of England, and placed themselves under the King's protection. Samuel Gorton is credited with having obtained this submission; the Indians were persuaded to it by the better treatment accorded Gorton in England than in America. Canonicus and Pessacus refused to attend a session of the court in Massachusetts, to which they had been summoned. Their letter of refusal recited their submission to the King, and contained this significant observation on justice as administered by the colonies: "So that if any small thing of difference should fall out betwixt us, only the sending of a message may bring it to rights again; but if any great matter should fall (which we hope and desire will not nor may not) then *neither yourselves nor we are to be judges*, but both of us are to have recourse and repair unto that honorable and just government." Samuel Gorton had taken his appeal to England against the injustice of the Massachusetts authorities,† who experienced no embarrassment in assuming the dual office of accusers and judges. Massachusetts at once sent messengers to the Narragansetts. Canonicus received them sullenly and referred them to Pessacus, whose answers "were witty and full to the questions." Pessacus very plainly told the messengers that he intended to go to war with Uncas, "but not after the manner that Miantonomah did with a great army, but by sending out small parties to catch his men, and prevent them getting a livelihood." The Indians excelled in this type of guerilla warfare. Pessacus was true to his promise, and harassed Uncas so successfully that the commissioners from New England intervened on behalf of the latter, and negotiated a truce until after the next planting time. In 1645 the colonies ordered an army raised, and with this as a threat a treaty was negotiated and concluded on August 27. Under the terms of this treaty both Narragansetts and Mohicans made mutual reparations, and both paid indemnities to the English. Subsequently the Narragansetts, and the Nantics, who were also parties to the treaty, claimed misrepresentation and misunderstanding of the treaty's provisions. The collection of indemnities occasioned further quarrelling between the Indians and the colonies. Canonicus died on June 4, 1647, and for some time following the almost continuous warfare between the Indians was the work of petty sachems of much less ability than the great sachems of the preceding period. It was internecine and destructive; and the Indian power was disintegrating rapidly.

**PURITAN MEDDLING**—Rhode Island and Plymouth had been vastly more successful in dealing with the Indians than had the aggressive Puritans of Massachusetts Bay. Neither of the former had committed a blunder so egregious as the unprovoked attack by Endicott which had precipitated the Pequot War; both remained at peace with the sachems and their followers. Even Connecticut and New Haven found ways of dealing with the wily and always treacherous Uncas that tended to maintain peace between them and him. To a considerable extent the prolonged conflict between the Narragansett Indians and Massachusetts was due

\*Chapter V.

†Chapter V.

to the Puritans' habit of meddlesome interference and to their unabated greed for land and for the extension of their own power. The prize at stake was the territory of the Narragansett Indians, embracing first all of Rhode Island west of Narragansett Bay, but reduced by cession to settlers to Washington County and part of Kent County; and with the land access to the harbors of Narragansett Bay. The policy pursued eventually convinced the Indians of the injustice of the Massachusetts Puritans, and induced the former to submit themselves to the sovereignty and protection of the King of England. The submission was not without effect upon definition of boundaries in the Rhode Island Charter of 1663, which included the Narragansett territory, and also clauses in the Charter that affected the Indians positively and directly. It is fair to assume that so much of the Charter as referred to the Indians was intended by John Clarke to bring to an end the conflict between the Narragansetts and Massachusetts, and thus to restore peace within Rhode Island. Between the people of Rhode Island and the Indians there had been and was no quarrel; the Charter might tend to deter Massachusetts from meddling in Rhode Island. The Charter referred to the Narragansett Indians as "the most potent princes and people of all that country," and recited that the Rhode Island settlers had "by near neighborhood to and friendly society with the great body of the Narragansett Indians given them encouragement of their own accord to subject themselves, their people and lands, unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors be laid a sure foundation of happiness to all America." It authorized the colony to "direct, rule, order and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet; whereby our said people and inhabitants in the said plantations may be so religiously, peaceably and civilly governed as that by their good life and orderly conversation they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Savior of mankind." The Charter conferred ample war powers on the people of Rhode Island, including the power "upon just causes to invade and destroy the native Indians, or other enemies of said colony," with these prohibitions: "Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our colonies in New England, that it shall not be lawful for this our said Colony of Rhode Island and Providence Plantations, in America, in New England, to invade the natives inhabiting within the bounds and limits of their said colonies, without the knowledge and consent of said other colonies. And it is hereby declared that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians or any other inhabitants inhabiting within the bounds and limits (Rhode Island) hereafter mentioned (they having subjected themselves unto us, and being by us taken into our special protection), without the knowledge and consent of the Governor and Company of our Colony of Rhode Island and Providence Plantations." In spite of these very definite restrictions, intended to reduce the Indian problem in Rhode Island to issues between the people of Rhode Island and the Narragansett Indians, the military forces of the united colonies did not hesitate to invade Rhode Island during King Philip's War, for which the stage was being prepared even as the Charter of 1663 was written.

KING PHILIP'S WAR—Except Uncas the old New England sachems were dead by 1665. Canonicus, who died in 1647, had survived the murder of Miantonomah by only four years. Though Pessacus, brother of Miantonomah, who succeeded the latter immediately, was still alive, Canonchet, Miantonomah's son, was soon to be Chief Sachem of the main body of the Narragansett Indians, and Ninigret was Chief Sachem of the Niantics, a related tribe. Massasoit died in the winter of 1660-1661, leaving two sons, Wamsutta, whom the English called Alexander, and Metacom, who was also named Philip, and better known as King Philip. Tradition records that Metacom and Wamsutta had asked for English names, and were called, respectively, Philip for Philip of Macedonia, and Alexander for Alexander the Great, son of Philip, both of whom died in the fourth century before the Christian era! Wamsutta

died in 1662. His death was attributed to fever by the English; the Indians suspected poison. Because of rumors that he was unfriendly and conducting negotiations with the Narragansetts for an alliance, he had been summoned to Plymouth. Failing to appear promptly, for what appears to have been a good reason, he was seized by a posse and carried to Plymouth forcibly. Falling seriously sick, he was permitted to start for home, and died suddenly on the way. Metacom, or Philip, who succeeded his brother as Sachem, renewed the old treaty made by Massasoit with the Pilgrims more than forty years earlier, and though proud and haughty, remorseful because of the death of his brother, and keenly sensitive to the dangers to his people portended by the increase in the number of white settlers and their rapid preëmption of available land, seemed disposed not to be hostile, though openly not so friendly as Massasoit had been to the first Pilgrims. Nevertheless, stirred by rumors, some of which originated with Uncas, who still was playing his rôle of disturber, the Plymouth Colony adopted a nagging policy in dealing with Philip, which eventually confirmed him as a conspirator, whether the plan was originally his own or was suggested by the frequent reiteration of it made by his accusers. Philip undertook negotiations with Canonchet and Ninigret and with other sachems, which had for their purpose a confederation of Indian tribes and the project of destroying the white power. In the Pequot War the Indians had fought with their own primitive weapons against the firearms of the settlers; in King Philip's War many of the Indians had muskets, and as marksmen rivalled, if they did not surpass, the colonists. The war opened in 1675, somewhat in advance of the completion of Philip's plans, and under circumstances that make reasonably doubtful the actual accomplishment of a league between the Wampanoags and the Narragansetts. So far as the former were concerned hostilities were opened in the Plymouth Colony by the Indians; so far as the latter were concerned the initiative was taken by Massachusetts in an assault upon the Indians. Canonchet was forced to choose between abject submission and a desperate conflict for the preservation of his people. The noble Indian, last sachem of the Narragansetts, chose the latter.

A punitive expedition which invaded the Wampanoag country almost immediately after the opening attacks by Indians failed of its principal objectives—the capture of Philip and the suppression of the Indians. Both escaped, and a military movement, which, if executed skilfully and with promptness, vigor and thoroughness, might have ended the insurrection almost in the beginning, broke down completely for want of coördination. As it was, the expedition, on failure to find the main body of Wampanoags, who had withdrawn from Mount Hope to the neighborhood of Tiverton and Fall River, retired after having done little more than make a gesture. Philip escaped and made his way to other Indians north and west, gradually extending the war, which soon was raging throughout much of New England. Through August, September and October of 1675 western Massachusetts was the seat of warfare, Brookfield, Hatfield, Hadley, Dudley, Northfield, and Springfield suffering. The Indians in the valley of the Connecticut River joined Philip; Uncas held the Mohicans steadily on the side of the colonies. In the winter of 1675 many of the Indians, discouraged by the strength of the Connecticut forces, withdrew and were received by the Narragansetts. Among these were young braves of the Narragansett tribe, some of whom returned home from the front wounded.

Uncas at the very beginning of the war, anxious as he always had been to cast suspicion on his ancient enemies, alleged that the Wampanoag braves had sent their squaws and children to the Rhode Island Indians. News of Philip's conspiracy had been revealed by renegade Indians before the outbreak. While little of preparation to avert it or meet it was made in Plymouth, commissioners were sent to the Narragansett Indians in June, 1675, who were joined by Roger Williams on half an hour's notice as they passed through Providence. The commissioners were received courteously by Pessacus, Canonchet and Ninigret, and departed with what they thought were promises of neutrality. Roger Williams believed otherwise and

warned the Massachusetts authorities that the friendly answers of the Indians were "words of falsehood and treachery." When the outbreak in Plymouth occurred, renewing its former policy of interference, Massachusetts committed exactly the blunder that would drive the Narragansetts into the war as allies of Philip. Troops were sent into Rhode Island, *in violation of the Charter and without the consent of the Governor and Company*, with instructions to "go make peace with a sword in their hands." One detachment proceeded overland, through Providence, while another, which was joined by Roger Williams, sailed to Wickford. Connecticut troops and a contingent of Mohicans moved from the west. The Narragansett villages were found deserted, the Indians having withdrawn into the swamps. At Pettaquamscott, in South Kingstown, on July 15, 1675, four aged Indians were compelled, "as counselors and attorneys to Canonicus, Ninigret and Pomham," to sign a treaty on behalf of the tribe of Narragansetts, binding the latter to hostility to the Wampanoags and to deliver up the latter, alive or dead. The treaty promised a bounty for every Wampanoag surrendered. Roger Williams warned the Massachusetts magistrates of the futility of this procedure. It aroused bitter resentment among the Narragansetts, who did not, of course, deliver up the Wampanoags and other fugitive Indians who reached their villages. Not even Roger Williams, had he been so disposed, could persuade the Rhode Island Indians otherwise. To a request for the surrender of the fugitives Canonchet answered: "Not a Wampanoag, nor the paring of a Wampanoag's nail, shall be delivered up." The united colonies began preparations in November of 1675 to send an army to attack the Narragansetts in winter quarters, thus to prevent the anticipated union with Philip in the spring of 1676. The colony of Rhode Island thus far had taken no part in the war; it was at peace with the Indians. As earlier in the year, no notice of the prohibition in the Charter was taken by Massachusetts.

The expedition into Rhode Island was undertaken jointly by Connecticut, Massachusetts and Plymouth, each of which furnished a quota to make the 1000 soldiers called for by the united colonies. The Massachusetts contingent assembled at Dedham, marched to and spent one night at Attleboro, and proceeded to Seekonk (now East Providence). At Seekonk the party divided, one division sailing to Wickford, the other marching overland with the Plymouth contingent through Providence and Warwick. Volunteer recruits from Rhode Island towns joined the expedition. The Connecticut troops and 150 Mohicans and Pequots marched eastward over Indian trails to Pettaquamscott, only to find the buildings burned and the inhabitants butchered. On December 18, the army was completely assembled, and spent the night under the stars near Pettaquamscott. At dawn on the morning of Sunday, December 19, the march for the Indian fort, located in the great swamp southwest of what is now the village of West Kingston, was undertaken, and, guided by renegade Indians, continued until one o'clock in the afternoon. The Indians occupied an island in the swamp which was admirably fortified after the Indian fashion with palisades, supplemented by impenetrable abattis, and logs and stones used as breastworks. Except when the swamp was frozen in winter the single approach was by a tree trunk over water, and this narrow passageway was enfiladed by a blockhouse. Precautions against winter attack had been taken, and the first assaults of the colonists were repulsed with losses. Eventually an unfinished place in the stockade was found, and stormed in the face of murderous fire from the Indians. The fighting was fierce, and the losses by both colonists and Indians were heavy. While the issue of battle hung in the balance, the Indian wigwams caught fire or were set on fire by the colonists, as had been the wigwams in the finish fight with the Pequots near the Mystic River nearly forty years previously. Then followed a massacre of Indians, men, women and children indiscriminately roasting to death in the flames or rushing to death at the hands of the soldiers. The battle continued through the afternoon of the short winter day, and was ended by the light of the burning wigwams. A remnant of the Narragansetts, including Canonchet, broke through the lines and escaped into the woods, from which they still fired on the colonists.

The colonists were in a precarious position. They had marched steadily from day-break, and had entered the battle without food. They were eighteen miles from their base of supplies. Six captains and more than twenty soldiers were dead, and 150 wounded men must be cared for. To the intensity of cold was added a howling December snowstorm, as the march back to communications was undertaken on the advice of those who feared the consequences should the Indians rally and attack in the morning. Twenty-two of the wounded died during the retreat to Wickford, which was reached at two o'clock the next morning. The list of dead from wounds or exposure was increased during the days that followed. The estimates of Indian losses vary from 14,000 down to "forty fighting men, one sachem, and 300 old men, women and children, burned in the wigwams." The Narragansetts were stunned for the moment, but not beaten. Their provisions for the winter had been destroyed in large part in the fire, but the fighting braves were soon reorganized and active in obtaining other provisions in Indian camps or by raiding farmers' barns.

The colonials, except the Connecticut contingent, which had been withdrawn, lay at Wickford for more than a month. Provisions were received by water, and the wounded were sent to Aquidneck. Negotiations for terms were opened by Canonchet, although his disdain in rejecting overtures later suggested that he was either fencing for time or trying to find out through his messengers the actual strength of the colonial troops. The latter raided Pocumtuck's village in Warwick and burned the wigwams, but found no Indians. Ninigret and Pessacus favored peace, but Canonchet was obdurate, declaring that he would rather die than become a slave to the English. Later in January reinforcements from Connecticut, Plymouth and Massachusetts reached Wickford, and soon thereafter the army, by this time numbering 1400, marched out again, pursuing the Narragansetts, who retreated steadily, raiding and burning as they went to clear the country of provisions. The "hunger march" proceeded through Rhode Island northwestward to Woodstock, Connecticut, and thence into Massachusetts. The retreat of Canonchet was masterful and worthy of a Greene or Kutuzoff. Had the colonists persisted, no doubt they would have been drawn away from their towns into the wild Indian country toward which Canonchet was headed, and destroyed there. Abandoning the pursuit, the colonial army, save a small garrison stationed at Marlboro, was disbanded.

Canonchet and his Narragansetts joined the Wampanoags and other fugitive Indians in the valley of the Connecticut River in western Massachusetts. Near Northfield on March 9, 1676, Canonchet and Philip met for the first time during the war, in solemn conclave with other sachems; and there plans were made for continuing the war, including the planting of the valley between Northfield and Deerfield as a source of food supplies. Meanwhile there had been no abatement of Indian activity. Lancaster, Medfield, Weymouth, Northampton, Springfield, Chelmsford, Gorton, Sudbury and Marlboro, all in Massachusetts, were attacked. Warwick, Rhode Island, was burned. Captain Wadsworth and fifty men, marching to the relief of Sudbury, were slain to the last man. Captain Pearce and fifty soldiers were surrounded by Canonchet and his band near Pawtucket Falls; only a few escaped. Nine men captured were led to the swamp since known as Nine Men's Misery and tortured and killed. The location is on the grounds of the Trappist monastery in Cumberland. The circumstances of his capture a few days later cleared Canonchet of the charge of torturing prisoners. Rehoboth was attacked on March 28, and Providence was burned on March 29 or 30. Two places in Providence had been fortified, and Roger Williams, then seventy-seven years of age and holding a captain's commission as defender, went out to parley with the Indians. The latter declined to listen to persuasion for peace even from Roger Williams. "As for you, brother Williams," they said, "you are a good man; you have been kind to us many years; not a hair of your head shall be touched." It is recorded that Philip, also, before the opening of hostilities, charged his followers not to harm certain of the colonists who had been particularly friendly with his father or his family.



NORTH KINGTOWN TOWN HALL, WICKFORD



WICKFORD LIGHT, WICKFORD



Canonchet's purpose in visiting Rhode Island was the quest of seed corn for spring planting, pursuant to the plan of the sachems to make the Connecticut Valley an Indian granary. Within a month after the conference with Philip he was dead. A few days after the encounter with Captain Pearce, he and a few of his followers were surprised near Study Hill, the home of the late William Blackstone, by a superior force of Connecticut troops with scouts of the Mohicans, Pequots and Niantics, including Oneco, son of Uncas. Canonchet appears to have been cut off from the main body of his followers, and sought to escape. He was recognized by pursuing Indians as he discarded blanket, silver-trimmed coat and royal belt. Attempting to cross the river, he slipped and fell into the water, and was drawn out a captive. Offered his life as the price for persuading the Narragansetts to abandon the war, he refused to make peace; when sentenced to death he said he "liked it well that he should die before his heart was soft or he had spoken words unworthy of himself." He was executed near Stonington. According to tradition he requested that Oneco kill him, being an Indian prince of equal rank. That was not to be, however. The Pequots shot him; the Mohicans cut off his head and quartered his body; the Niantics burned his quarters over a fire, and sent the head to the council at Hartford, as "a token of love and fidelity."

Elsewhere the war went on unabated. The Indians made frequent attacks in unexpected places; occasionally the colonists undertook to carry the war to the Indians. An expedition of the latter sort raided the Narragansett territory, killing and capturing Indians, and destroying their villages. On July 2, 1676, an Indian camp at Nacheek was raided; the location of Nacheek, seven or eight miles from Providence, sometimes erroneously associated with Natick in Warwick, was probably in Smithfield. Philip had returned to the neighborhood of Mount Hope, and there was tracked down by Captain Church, and shot to death on August 12, 1676, by a renegade Indian. Like Canonchet his body was violated. An Indian beheaded it and quartered it. The head was exhibited on a gibbet at Plymouth for twenty years. One hand was sent to Boston as a trophy. The other hand was given to Alderman, the Indian who had shot Philip. The quartered body was hung on four trees. Anawan, chief counsellor of Philip, was captured by Captain Church and shot at Plymouth. Quinapan, second in command to Canonchet, and his brother were shot, following sentence to death. Pomham died fighting, July 25, near Dedham.

Rhode Island as a colony, excluded from the New England confederation, had had no part in King Philip's War. The colonial government for the time being was controlled by Quakers, and they have been criticised by some writers as neglectful, in their opposition to war, in not making provision for garrisons and fortifications in Providence and Warwick. As it was, many of the Rhode Island settlers withdrew to the Island of Rhode Island as a refuge, and the loss of life was not large. The property loss was staggering. Practically every house between Providence and Stonington had been destroyed, and fields had been laid waste. In other colonies an attempt at recoupment of losses was made by sale of Indian captives as slaves. Hundreds of Indians were shipped to West Indian plantations. The latter included the immediate family of Philip and his son, Metacom, who was sold as a slave in the West Indies. In March, 1676, the Rhode Island General Assembly enacted a statute "that no Indian in this colony be a slave, but only to pay their debts, or for their bringing up, or custody they have received, or to perform covenant as if they had been countrymen and taken in war." Captive Indians were bound out to service for periods of years depending upon the age of the Indian; the proceeds of the sales of contracts of this sort were divided among the townspeople to offset damage to property incurred during the war. Connecticut claimed the Narragansett territory by right of conquest thus opening a new and disturbing phase of intercolonial relations.\*

\*Chapter V.

**DISINTEGRATION OF NARRAGANSETTS**—The power of the Narragansett Indians was broken in King Philip's War. There never was a successor to Canonchet. The royal line of Canonicus and Miantonomah had been extinguished. The Narragansett braves, the virile men of the tribe, had followed Canonchet on the long trek in the winter of 1675-1676 from Rhode Island to the valley of the Connecticut River, most of them never more to revisit the homeland of their ancestors in the Narragansett territory. Some, no doubt, remained with the western Massachusetts Indian tribes and were adopted according to the Indian custom. Many fell in battle, or died from exposure, famine or camp diseases. Many were hunted down by colonial soldiers and their renegade Indian allies—Mohicans, Pequots and Niantics, and some also of Narragansett, Wampanoag and Nipmunk, who deserted rather than "suffer the slings and arrows of outrageous fortune." Of the Narragansett Indians who did not follow Canonchet most were old men, women and children. These were treated harshly by the punitive expeditions sent by Connecticut into the Narragansett territory to scour it for Indians, to harass the Indian inhabitants, to ravage the villages, to destroy crops and thus to prevent its use as a base of supplies for continuing the war. The remnant of the Narragansett tribe left at home and not destroyed eventually found sanctuary and adoption in Ninigret's tribe of Niantics, who thus became heirs of the Narragansetts. Canonchet and his Narragansett warriors had chosen "to take arms against a sea of troubles and by opposing end them." "Give me liberty or give me death" meant no more to Patrick Henry than to Canonchet. He and his braves had chosen death in preference to slavery and the degradation of Indian life in close contact with civilization.

A new phase of relations with the Indians opened in 1708, when the Rhode Island General Assembly appointed a committee to negotiate with Ninigret,\* the recognized sachem of the remaining Rhode Island Indians, as to "what may be a sufficient competence of land for him and his people to live upon." In March of the following year the committee reported an agreement with Ninigret establishing an Indian reservation of approximately sixty-four square miles in the town of Charlestown, and a quitclaim deed to the colony, under date of March 29, 1709, of all other Indian lands. Four years later the General Assembly declared sales of land from the Indian reservation null and void as contrary to the purpose of establishing the reservation as a perpetual home for the Indian tribe. The statute affected all sales, whether voluntary or judicial sales on execution for debt, thus guarantying undisturbed possession. Subsequent legislation, from time to time, authorized leases of Indian lands, the rents to be applied to the repayment of money loaned to the sachem from the colony treasury, and in 1731 sale of certain parcels of land was authorized. The general nature of the legislation indicated that the colony had assumed an economic guardianship for the Indians and their property, the policy of forbidding sales or authorizing sales being adjustable as expediency for the time being suggested. During the reign of "King Tom" the statute forbidding alienation was repealed; much of the Indian holdings were sold outright, and a large number of the Indians emigrated to New York. Among those who "went west" were "King Tom's" wife and his only son. At the death of "King Tom," 1769-1770, more Indian lands were sold to pay his debts. On request of the Indians the General Assembly in 1773 forbade further sales of land, and exempted the Indian lands from sales on execution to pay debts. In 1779 the General Assembly further forbade leases for long terms of years with whole rent payment in advance, a device invented to procure practical alienation without violating the statute.

The royal belt of wampum, symbol of the Sachem, continued with Ninigret's descendants. Thomas Ninigret, better known as "King Tom," was born in 1736, and became Sachem in July, 1746. Sent to England by the tribe, he received a common school education there, and on his return built the dwelling known as the Sachem house, in which he lived until his

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\*A descendant of the Ninigret mentioned in preceding paragraphs.

death. The house was sold to pay "King Tom's" debts, as his estate was settled. In 1750 the Indian Christian church was established, and in 1764 the English Society for the Propagation of the Gospel sent a teacher to the tribe. Queen Esther, who succeeded "King Tom," was crowned on a large flat rock near the Sachem house; her son George, last Sachem of the royal line, was crushed to death accidentally when a tree fell upon him. With the death of George the monarchy ended, and the Indian tribe was reorganized practically as a republic, with a president and council of four, all of whom were elected annually by the tribe. This occurred during the Revolutionary War, while Rhode Island was fighting to preserve its own republican government and to establish the independence declared on May 4, 1776. The election of president and council occurred annually on the first Tuesday in March after 1792, when the date was regulated by statute.

Later relations with the Indians indicated a steady advancing dependency. In 1792 the General Assembly made provision for the election by the tribe of a treasurer for the Indian tribe; the office was discontinued in 1818. Thereafter the Indian problem was frequently before the General Assembly, as the latter was asked, from time to time, to authorize sales of specific parcels of land, or to strengthen the statutes intended to maintain the reservation, which was steadily decreasing. In 1838 the state established a public school for the Indians, which it maintained thereafter at state expense until the tribal relation was dissolved by statute in 1880. In 1840 the General Assembly established the office of Commissioner of the Indian Tribe; the commissioner was legally a public guardian of the Indians and a public administrator of their property.

Meanwhile the tribe had steadily dwindled, as Indians left the Rhode Island reservation to emigrate to western states, or as other Indians left the reservation and renounced the tribal relation to become citizens of the United States. The condition of the remnant remaining on the reservation was tending to become intolerable. In an advisory opinion\* as to the constitutionality of legislation dealing with the Indians the Supreme Court of Rhode Island summarized parts of reports on the condition of the Indian tribe made by committees appointed by the General Assembly in 1852 and 1880 as follows: "For at least thirty years," prior to 1880, "it was apparent that the Narragansett tribe had become extinct in all but name. Its members had even ceased to be red men, for their complexions had been darkened by the plentiful infusion of negro blood, or bleached by the admixture of blood from Caucasian veins. From the report of a committee referred to in the Indian commissioner's report of 1858 we learn that in 1833 the whole number, of all grades and conditions, residing in Charlestown at that time, was 199. Of this number only seven were of genuine Narragansett blood; fourteen were about half blood; 158 were of other grades, less than half; and twenty were foreigners having no connection with the tribe except by marriage or other promiscuous intercourse. All of the whole blood were aged females; most of the half blood were females; and the 158 of less than half blood were, in the opinion of the committee, of probably more than three-fourths of the African negro race. From fifty to eighty, partially of Narragansett extraction, were supposed to be absent. The Commissioner of the Indian tribe in his report to the General Assembly at the January session, 1858, says: 'The whole number of all grades residing in Charlestown at the present time is 147. Of this number fifteen are foreigners, eleven of them being connected with the tribe by marriage and four by illicit intercourse. Of the whole number, there is not an Indian of full blood remaining; only two of three-fourths, and nine of half-blood. The 121 of less than half blood are of mixed grades of Indian, negro and white. Of the number absent, claiming connection with the tribe, I have no means of knowing. Some estimate them from 150 to 200.'"'

In a special report made by the Commissioner in 1859, he said: "Of the whole number of persons belonging to the tribe, 122, twenty-eight can read and not write, forty can read and write, leaving fifty-four who can neither read nor write."

\*The Narragansett Indians, 20 R. I., 713.

So early as 1852 it was suggested that the "time must soon come when the public good would require that the members of the Narragansett Indian tribe should be placed on the same footing as other citizens of the state," and noted that "the objection made by the tribe to being subject to the same laws as the whites is that they should be soon traded out of their property, and they should be left poor and dependent upon the whites for support." In 1857 the Commissioner reported: "It is believed that there are many of the tribe who would be willing, and some, indeed, anxious to be put on the same footing, as to property, with white citizens." In 1866 a legislative committee, after investigation, reported that "the tribe was not yet ready to agree" to a measure for withdrawing state guardianship and settlement of tribal affairs. In 1879 the president, council and other members of the tribe petitioned for an investigation. In the following year the General Assembly authorized purchase of the remaining common tribal lands for \$5000, and dissolved the tribal relation. It should be noted and understood that this legislation referred exclusively to land still held by the Indians in common ownership, principally wood and forest land; by far the most of arable land and land suitable for dwellings was held at that time by individual owners under deeds asserting title in fee simple and confirmed by undisturbed possession for periods longer than the statutory requirement. The \$5000 was divided equally amongst 324 persons, each receiving \$15.43! The explanation of the large number of distributees is that it included members of the tribe not living on the reservation. The commission in charge of the distribution marvelled at the large number of persons who claimed kinship with the Indians with the purpose of sharing the \$5000. The land acquired by the state was sold subsequently at public auction in parcels to suit purchasers, the proceeds being \$1,604.72. It is evident that the price paid by the state to the Indians was more than generous. The sale of lands and the dissolution of the tribe subsequently were sustained as constitutional by the Supreme Court of Rhode Island in an advisory opinion.\*

The report of the commission which conducted the final settlement with the tribe concluded with these words: "This relation which has existed for nearly 250 years is now terminated, and the name of the Narragansett tribe now passes from the statute books of the state. No portion of its past legislation does Rhode Island cherish more, and upon no page of its history does it point with greater pride than upon its dealings with the Narragansett Indians. The debt of gratitude that it owed for the protection and assistance which it had early received, the state has amply repaid by the protection and care which it has bestowed upon the descendants of its benefactors. Mindful of these historic associations, your commissioners have endeavored faithfully to perform the duties which your honorable body assigned them, and to deal with all questions submitted to them in such a manner that there may be nothing to reflect discredit on our state, and that Rhode Island may look back hereafter with the same satisfaction upon the termination of its relations with the tribe with which it regards the long course of its dealings with the Narragansett Indians."

At old Fort Ninigret, at Fort Neck in the town of Charlestown, a monumental boulder suitably marked has been erected by the state of Rhode Island as a "memorial of the Narragansett and Niantic Indians, the Unwavering Friends and Allies of Our Fathers." The location of the Narragansett fort in the great swamp, scene of the Great Swamp Fight of December 19, 1675, is marked by a granite shaft. The royal burial ground of the Narragansett tribe, in Charlestown, one mile north of Cross's Mills, was purchased by the state of Rhode Island in 1878, and the mound containing the remains of kings, queens and other members of the royal Indian family was surrounded by a post-and-rail fence and marked by a tablet, with this inscription:

This tablet is erected, and this spot of ground enclosed by the state of Rhode Island, to mark the place which Indian tradition identifies as the royal burying ground of the Narragansett tribe, and in recognition of the kindness and hospitality of this once powerful nation to the founders of this state.

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\*The Narragansett Indians, 20 R. I., 713.

Twenty colonists, killed in the Great Swamp Fight, were buried by Ninigret and Indians close to the battlefield. Forty wounded who died on the retreat to Wickford or at Wickford were buried near Wickford. Their graves are marked by a memorial tablet. The scene of Pearce's fight with Canonchet is marked, and a monument has been placed at Nine Men's Misery, near the Trappist Monastery in Cumberland. Massasoit's spring in Warren is site of a memorial to the noble Wampanoag, and a monument on Mount Hope is dedicated to Metacom, King Philip.





## CHAPTER V. RELATIONS WITH MASSACHUSETTS AND CONNECTICUT.

**W**ILLIAM BLACKSTONE sold his home and left Boston for the wilderness of the Blackstone Valley to escape the tyranny of the lord brethren, as he styled the magistrates-ministers of Massachusetts. Roger Williams was persecuted because of his advocacy of soul liberty, subjected to inquisition because of suspicion, formally banished from Massachusetts by the General Court for advocating his opinions and asking others to judge the validity of them, and escaped ignominious transportation back to England only because he anticipated arrest by earlier departure for the wilderness in the midst of a New England winter. He was warned away from the remote western frontier of the Plymouth colony, lest his presence there, even by tacit sufferance of the Pilgrims, offend the Massachusetts magistrates-ministers. Anne Hutchinson was tried by the General Court for heresy, banished as a corrupter of the people, excommunicated from the church, and left the latter while the minister from the pulpit pronounced a curse upon her. Of her adherents two were expelled from membership in the General Court, several were banished, others were disfranchised, and more were ordered to deliver up their arms and ammunition in spite of the fact that they lived in communities not protected by police and constantly menaced by wild animals and by an aboriginal population that might rise at any time to avenge the abuses heaped upon it by the same magistrates-ministers.

When John Clarke arrived in Boston he found Massachusetts rent with discord, seething with passion, turbulent with quarrels, darkened by suspicion, almost on the verge of frenzied madness; and John Clarke, staunch advocate of freedom of religion, thought and speech, wondered because he could not understand how men and women in places remote from the centres of civilization and face to face with a wilderness were not able to abide each other's presence because of differences of opinion. John Clarke joined the Hutchinson party seceding from Boston, because the atmosphere was stifling there for one who loved freedom and who had confidence in the common man. Gorton must have sensed the situation in Massachusetts, keen judge that he was of the superficialities of men and leveler of pretensions; his evil star was his utter unwillingness to curb an impetuous temper that drove him to extremes in controversy. Nor did he remain long at Plymouth before he experienced the narrowness of Pilgrims, though they were far more generous and vastly less intolerant than the Puritans. Thomas Hooker's petition for removal from Massachusetts was urged in the first instance because land was not available in sufficient quantity; he did not tarry when more land was offered. It is true that in the controversy with Roger Williams Hooker entered the debate on the side of the magistrates-ministers, but his subsequent career and mighty influence in fashioning the Connecticut commonwealth mark him as not of the same type as the Massachusetts Puritans. The theocratic association of church and state established in Massachusetts never was introduced in Connecticut. Instead, Connecticut under Hooker moved steadfastly in the direction of democracy.

Some time between 1626 and 1630 three young English clergymen, graduates of Cambridge University, made a journey together to and from Sempringham, Lincolnshire, England. They were Roger Williams, later of Rhode Island; Thomas Hooker, later of Connecticut, and John Cotton, later of Massachusetts. "John Cotton," wrote Walter F. Angell,\* "came to the then recently established colony of Massachusetts and speedily converted its

\*Commencement address at Rhode Island State College, June 19, 1922.

government into a theocracy, of which he was the high priest. No man could be a freeman unless he was a member of the church—an arrangement which very soon disfranchised a great majority of the people. The magistrates were governed by the laws laid down in holy writ—as interpreted by Cotton and his fellow clergymen. No dissent from their interpretation was permitted. If a man seeking the truth by the light of his own conscience spoke such dissent, they put a cleft upon his tongue. If he listened to such dissent, they shaved off his ears. And if he ventured to disagree with them upon the question of whether justification came by faith or works, they tied him to a post and laid a lash upon his naked back. This was no soil in which democracy could grow. ‘Democracy,’ said John Cotton, ‘I do not conceive that ever God did ordain as a fit government either for church or commonwealth. If the people be governors, who shall be governed?’ And Winthrop, his associate, said: ‘Democracy amongst civil nations is accounted the meanest and worst of all forms of government in Israel.’

“Roger Williams and Thomas Hooker followed their companion of the Sempringham road to Massachusetts, but from the rigid and cruel theocracy which they found that Cotton was establishing there Williams was banished and Hooker fled. In striking contrast to the sentiment of Cotton and his followers, Hooker declared to his followers in their new settlement at Hartford that ‘the choice of public magistrates belongs unto the people by God’s own allowance’ and that ‘the foundation of authority is laid, firstly, in the free consent of the people.’ There you have the principle of democracy boldly and clearly declared. And, under the guidance of Williams, his followers in Providence agreed to subject themselves ‘in active or passive obedience to all such orders or agreements as shall be made for the public good of the body in an orderly way by the major consent of the present inhabitants, masters of families, incorporated together into a township, and such others whom they shall admit into the same, *only in civil things.*’ There you have both democracy and toleration put into actual operation as the basis of a civil state.”

**THE IRREPRESSIBLE CONFLICT**—The conflict that drove Blackstone, Williams, Hutchinson, Clarke, Gorton and Hooker from Massachusetts was the irrepressible and inevitable conflict betwixt Democracy and Theocracy. Democracy could not thrive in the same atmosphere with theocracy. The two may not exist side by side; one must eventually destroy the other, unless, as happened in New England, courageous souls, confident in truth, go outside the gates. In the end democracy must prevail. “If there is to be peace and order and progress among men, they must listen to the opinions of others and be free to express their own. That is toleration. And if the pyramid of society is to be stable, it must rest upon its base, and not upon its apex; men must ultimately be governed in their conduct toward each other in civil matters by the will of the majority; that is democracy.”\* Had Massachusetts merely cast out the elite of progressives who became leaders in establishing democracy elsewhere, the offence would be serious; it is vastly more to her discredit that she followed them into exile with unabated vindictiveness. Perhaps it was a consciousness of error; perhaps it was a maddening jealousy; certainly avarice and greed for wealth and power urged the Massachusetts magistrates forward in their plan to bring all of New England under control of Massachusetts.

With reference to Roger Williams the record is clear. He was beloved of Winthrop of Massachusetts, with whom he corresponded constantly; of Winslow of Plymouth; of Haynes and Hooker of Connecticut, one the Governor who banished him from Massachusetts, and the other the preacher who argued against him; of John Milton, the poet, and of Sir Harry Vane, to mention only a few of his contemporaries. He was beloved by all the Indians, Wampanoags and Narragansetts—the only white man in New England who never

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\*Walter F. Angell, *ubi supra.*

lost the complete confidence of the Indians. Sir Thomas Urquhart of Cromarty, a Scotch royalist, captured at the battle of Worcester in 1651 and imprisoned in Windsor Castle, was released on parole principally because of the intercession of Roger Williams. In the epilogue to his work on a universal language published in 1653, Sir Thomas wrote thus of Roger Williams: "The enumeration of these aforesaid courtesies will not permit me to forget my thankfulness to that reverend preacher, Mr. Roger Williams of Providence in New England, for the manifold favours wherein I stood obliged to him above a whole month before either of us had so much as seen the other, and that by his frequent and earnest solicitation in my behalf of the most special members both of the Parliament and Council of State; in doing whereof he appeared so truly generous, that when it was told him how I, having got notice of his so undeserved respect towards me, was desirous to embrace some sudden opportunity whereby to testify the affection I did owe him, he purposely delayed the occasion of meeting with me till he had, as he said performed some acceptable office, worthy of my acquaintance; in all which, both before and after we had conversed with one another, and by those many worthy books set forth by him to the advancement of piety and good order, with some whereof he was pleased to present me, he did approve himself a man of such discretion and inimitably sanctified parts, that an Archangel from heaven could not have shown more goodness with less ostentation."

In a period noted for strong animosities and personal hatreds, in which there might be a reasonable doubt because of an abundant opportunity for choice as to who was the most hated man in New England, there is no doubt that Roger Williams was the outstanding candidate for the honor of being the best beloved man in New England. Yet the hatred of the Massachusetts magistrates never was abated, in spite of the fact that time and again Roger Williams rendered service for Massachusetts that was transcendental, including the saving of all New England, probably, when his intervention turned the Narragansett Indians from an alliance with the Pequots in 1636.

**ENDURING VINDICTIVENESS**—Roger Williams expressed his own expectation that perhaps the edict of banishment might be modified and himself honored for this signal service, undertaken at urgent request of Massachusetts and at the risk of his life. Winthrop appears to have been disappointed that nothing was done. As a matter of fact, a suggestion that the edict of banishment be repealed was made at a meeting of the council, and met with strenuous objection. Some of the contemporaries of Roger Williams in Massachusetts, writing afterward, omitted altogether any mention of Roger Williams' agency in negotiating the treaty with the Narragansetts which saved New England from extinction. When, in 1642-1643, Roger Williams was entrusted with the mission to procure a charter in England, because of his banishment from Massachusetts he was not privileged to sail from Boston; instead he went to New Amsterdam (New York) to take ship for Europe. While in New Amsterdam, at the request of the Dutch, he interceded with the Long Island Indians, who had risen against the colonists and had slain many, including Anne Hutchinson and her family, and restored peace. On the return from England Roger Williams carried a letter addressed to the Governor and Council of Massachusetts and signed by twelve influential English Puritans, which he presented with his request for permission to pass from Boston to Rhode Island. The request was granted "after some demur and hesitation." Again, in October, 1651, when Roger Williams was once more on his way to England, his petition for safe conduct was granted grudgingly: "Liberty to Mr. Williams to pass through our jurisdiction to England, provided he carry himself inoffensively according to his promise with reference to the consent of our honored magistrates." The bitterness of the controversy appears in the exchange of arguments with John Cotton in "The Bloody Tenant of Persecution," a plea by Roger Williams against religious persecution; "The Bloody Tenant Washed and Made White in the

Blood of the Lamb," an answer by John Cotton; and "The Bloody Tenent Made Yet More Bloody through Mr. Cotton's Attempt to Wash it White," a rejoinder by Roger Williams.

**RHODE ISLANDERS MALTREATED**—In instances of other Rhode Islanders reprisals by Massachusetts took even more drastic form. A joint letter addressed by the Governors of Hartford, New Haven and Aquidneck in 1640 to the Governor of Massachusetts inquiring concerning the Massachusetts policy with reference to the Indians was answered in the instance of Hartford and New Haven, but no answer was sent to Aquidneck "as men not to be capitulated withal by us, either for themselves or the people of the island where they inhabit, as their case standeth." Rhode Island was constrained in 1642 to "treat with the Governor of the Dutch to supply us with necessaries, and to take of our commodities at such rate as may be suitable," because of the unkindliness, bordering on hostility, of the neighboring colony. Rhode Island's application for admission to the New England confederacy met "utter refusal" in 1643. An application to Massachusetts for powder in July, 1644, for defence against a possible Indian uprising was refused, and the colony was thus left without defence. In that year the General Court enacted a law punishing with banishment anyone who should openly or secretly speak against the orthodox Massachusetts doctrine regarding baptism, thus effectually barring Baptists. When, therefore, in 1651, John Clarke, Obadiah Holmes and John Crandall, members of the Baptist Church at Newport, visited William Witter, an aged blind resident of Lynn, Massachusetts, also a Baptist, who was unable to go outside the colony to attend church, and John Clarke preached on Sunday, July 20, for the consolation of the blind man, the house was invaded by constabulary and the three Newport men were arrested. The constables carried a search warrant directing them to go to the house of William Witter and search "for certain erroneous persons, being strangers, and them to apprehend and in safe custody to keep." The prisoners were committed and held in jail eleven days until the next county court, July 31. "Without producing either accuser, witness, jury, law of God or man," the prisoners were sentenced to pay a fine, in each instance, or to be whipped. When John Clarke asked Governor Endicott, who imposed the sentences, by what law he was punished, the Governor told him he "had deserved death, and said he would not have such trash brought into this jurisdiction." John Clarke appealed from the sentence, and was set at liberty on August 11, after being three weeks in custody. Crandall's fine was paid. Obadiah Holmes refused to pay the fine, and would not suffer friends to pay it. When, on being sentenced, he said: "I bless God I am counted worthy to suffer for the name of Jesus," Wilson, the minister who had cursed Anne Hutchinson, struck him in open court and cursed him saying: "The curse of God or Jesus goes with thee." Holmes was beaten on Boston Common, receiving thirty lashes on his bare back from a three-corded whip. Although "in many days, if not some weeks, he could take no rest, but as he lay upon his knees and elbows, not being able to suffer any part of his body to touch the bed whereon he lay," he told the magistrates: "You have struck me as with roses. Although the Lord hath made it easy for me, yet I pray God it may not be laid to your charge." When John Clarke died in 1676, Obadiah Holmes succeeded him as minister of the First Baptist Church at Newport. Obadiah Holmes was one of the progenitors of Abraham Lincoln, whose lovable character, long suffering and martyrdom for a great love of mankind have made him endeared of all Americans.\*

\*Obadiah Holmes and his wife, Katharine (Hyde) Holmes, came to America in 1638. He was a member of an influential family, a Baptist; he and her brother had been students at Oxford. He left Massachusetts and Plymouth, each because of persecution, and settled in Newport. The youngest child of Obadiah Holmes, Lydia, married Captain John Bowne, who was instrumental in founding a successful colony at Monmouth, New Jersey. Sarah Bowne, daughter of John Bowne and Lydia (Holmes) Bowne, married Richard Salter. Harriet Salter, daughter of Richard Salter and Sarah (Bowne) Salter, married Mordecai Lincoln. Virginia John Lincoln, son of Mordecai Lincoln and Harriet (Salter) Lincoln, was born in Southeastern Pennsylvania, May 3, 1711. He removed, in 1768, to Rockingham County, Virginia, taking with him Abraham Lincoln, grandfather of the President, who was then twenty-four years of age. Abraham Lincoln, grandfather, was killed by Indians in the wilderness of Kentucky, leaving his family unprotected and with no one to provide for

When Anne Hutchinson walked out of the church at Boston after being excommunicated and cursed by the minister, she was supported on either side by William Coddington and Mary Dyer. William Dyer and Mary Dyer, his wife, were of the first settlers at Pocasset. A great many of those who followed Anne Hutchinson into exile became Friends, or Quakers, among them Mary Dyer. Quakers were tolerated in England. Two women, Mary Fisher and Ann Austin, who arrived at Boston in July, 1656, suspected of being Quakers, were stripped stark naked and examined for evidence; eventually they were shipped back to Barbados, whence they came. Eight Quakers, who arrived a few weeks later, were shipped back to England. The Massachusetts General Court in October, 1656, enacted legislation punishing Quakers. Nicholas Upshall, who protested against the law was fined and banished in midwinter. Like Roger Williams, he was received and fed by Indians, more kindly disposed than his white Christian brethren, and eventually found his way to Rhode Island. When Quakers were permitted to land and were not molested in Rhode Island, the commissioners of the United Colonies protested and threatened that if Rhode Island did not take action, "we apprehend that it will be our duty seriously to consider what further provision God may call us to make to prevent the aforesaid mischief." The Rhode Island answer, sent by the Governor and assistants, was characteristic, and courageous, considering the fact that 800 were answering the fiat of 24,000:

A GLORIOUS PAGE IN RHODE ISLAND HISTORY—"As concerning these Quakers (so-called), which are now among us, we have no law among us, whereby to punish any for only declaring by words, etc., their minds and understandings concerning the things and ways of God, as to salvation and an eternal condition. And we moreover find that in those places where these people aforesaid, in this colony, are most of all suffered to declare themselves freely, and, are opposed only by arguments in discourse, there they least of all desire to come, and we are informed that they begin to loathe this place for that they are unopposed by the civil authority, but with all patience and meekness are suffered to say over their pretended revelations and admonitions, nor are they like or able to gain many here to their way; surely we find that they delight to be persecuted by civil powers, and when they are so, they are like to gain more adherents by the conceit of their patient sufferings, than by consent to their pernicious sayings: And yet we conceive, that their doctrines tend to very absolute cutting down and overturning relations and civil government among men, if generally received."

The Plymouth Colony at the time was sending Quakers into Rhode Island: "Humphrey Norton, one of those commonly called Quakers, . . . . was found guilty of divers horrid errors, and was sentenced speedily to depart the government and was forthwith expelled the government by the under marshal, who was required to accompany him as far as Assonet, toward Rhode Island."

The Rhode Island General Assembly, to which the letter of the commissioners was referred by the Governor and Assistants, answered further that they still prized "freedom of consciences to be protected from enforcements . . . . as the greatest happiness that men can possess in this world," and that if and when the Quakers refused to subject themselves to civil duties, Rhode Island would ask advice of the "supreme authority of England . . . . how to carry ourselves in any further respect toward these people, so that therewithal there

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them. There appears to have been no illiteracy in Abraham Lincoln's family except in the instance of his father, Thomas Lincoln; and that illiteracy may be accounted for through the untimely death of Abraham Lincoln, grandfather. The Lincoln line from Obadiah Holmes is as follows:

Obadiah Holmes married Katherine Hyde. Lydia Holmes was a child of this marriage.  
Lydia Holmes married John Bowne. Sarah Bowne was a child of this marriage.  
Sarah Bowne married Richard Salter. Hannah Salter was a child of this marriage.  
Hanrah Salter married Mordecai Lincoln. John Lincoln (Virginia John) was a child of this marriage.  
John Lincoln married Rebecca Moore. Abraham Lincoln (grandfather) was a child of this marriage.  
Abraham Lincoln married Bathsheba Herring, as his second wife. Thomas Lincoln was the youngest child of this marriage.  
Thomas Lincoln married Nancy Hanks. Abraham Lincoln, President and Emancipator, was the second child of this marriage.

may be no damage or infringement of that chief principle in our Charter concerning freedom of conscience," remarking that "we also are so much the more encouraged to make our addresses unto the Lord Protector, his highness and government aforesaid; for that we understand there are or have been many of the foresaid people suffered to live in England; yea even in the heart of the nation." Whether or not the commissioners of the United Colonies appreciated the ironical suggestion of paradox, that the mother country, from which they had emigrated "for conscience sake," was more tolerant and liberal than the Massachusetts Puritans, they made no answer to either letter.

**HANGING OF MARY DYER**—Meanwhile, however, the persecution of Quakers and the hanging and burning of witches proceeded. With this Rhode Island was concerned only as it affected Rhode Islanders: Mrs. Gardner of Newport, a Quakeress nursing an infant child, and Mary Stanton, nurse for the child, were arrested at Weymouth, flogged and jailed for two weeks. Thomas Harris went from Rhode Island to Boston; he was flogged, imprisoned for eleven days, five without food and water; was whipped in jail for refusing to work, and was again publicly flogged. Catherine Scott of Providence, who remonstrated when she saw the right ears cut off three Quakers in Boston, was imprisoned two weeks and publicly flogged. William and Mary Dyer accompanied John Clarke and Roger Williams to England; there Mary Dyer became a Quaker. Returning homeward, she was arrested and imprisoned in Boston, and released on bonds given by her husband to take her home immediately and not to suffer her to speak to anyone on the way. When she revisited Boston with Hope Clifton and Mary Scott, the latter were imprisoned, but Mary Dyer was led out to the gallows between two men, William Robinson and Marmaduke Stevenson, the three to be hanged. The two men were hanged before Mary Dyer's eyes; and then the black cap was drawn over her face, the noose was placed around her neck, her hands and feet were tied. When she had thus been prepared completely for execution, an officer read a reprieve, which he had carried in his pocket throughout the proceedings! *The Puritans accused the Indians of torturing their prisoners.* Mary Dyer was released, but warned that another return to Massachusetts would be followed by the death penalty. She returned in the spring of 1660 to bear witness against an unjust law; she was hanged on Boston Common June 1, 1660.

Commenting upon the conduct of Massachusetts with reference to the Quakers, one of the most distinguished of twentieth century historians\* wrote: "That the course which the Massachusetts authorities took was wholly unnecessary was proved by the events in the other colonies. What happened was largely the consequence of their own acts. Rhode Island had shown the just, and, at the same time, the wise course to pursue. As she pointed out, wherever Quakers were not persecuted, they gave no trouble. One of the glories of the present nation is its complete toleration, in so far, at least, as religion is concerned; and its hard-won liberty in no small measure is due to the people of its smallest state."

**ARMED INVASION OF RHODE ISLAND**—Thus far the persecution of Rhode Islanders had been personal and individual. In the instance of Samuel Gorton animosity against the individual and greed for land were combined in what may well be styled the most atrocious proceeding in history. Gorton had been expelled from Plymouth and Portsmouth for contempt of the civil authorities; he was denied freemanship in Providence unless he would retract his outspoken opinion that the government for the time being, resting upon the consent of the inhabitants, was without authority for want of royal sanction. He was as stout a defender of religious liberty as any other Rhode Islander; but he was a stickler for legality in civil affairs. When Gorton and his followers settled in Pawtuxet and began to build houses, four Pawtuxet residents—William Arnold, Benedict Arnold (son), Robert Cole and William Carpenter—submitted themselves to the jurisdiction of Massachusetts, and were appointed

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\*James T. Adams, "The Founding of New England."

justices of the peace by the Massachusetts General Court. Massachusetts also issued a warrant addressed to Samuel Gorton notifying him that the General Court would "maintain" the four "in their lawful rights" and asserting jurisdiction of any suit he might care to enter. Gorton, of course, denied the jurisdiction, and rebuked the magistrates; this brought down upon him the vengeance of Massachusetts. Gorton and eleven associates purchased from the Indians land comprising the present towns of Warwick, West Warwick, and Coventry; and removed from Pawtuxet and the territorial jurisdiction assumed by Massachusetts. Events proceeded so rapidly thereafter that there is some reason for believing that there was a concerted plot to discredit the sale to Gorton and bring him back into the jurisdiction assumed by Massachusetts; the strong inclination that Massachusetts had at the time, as stated by Winthrop, to procure a seaport on Narragansett Bay lends color to the accusation that the alleged plot was laid by the Massachusetts magistrates or was pursued with their connivance. William Arnold was sent by the General Court of Massachusetts into Warwick "to understand how things were" and to bring back a certain Indian;\* and a committee was appointed to treat with the sachems of Warwick and Pawtuxet about their submission. Arnold had bought land at Pawtuxet from Soconoco. Pomham and Soconoco submitted themselves to Massachusetts, and Pomham denied Miantonomah's right to sell Warwick to Gorton. Massachusetts took up Pomham's protest, and proceeded to treat Gorton as a trespasser in Warwick. A warrant addressed to him was ignored save as it evoked an answer referring to two threats, one that Miantonomah should die because he sold land to Gorton,† and the other that Gorton should be driven off even at the cost of blood, and suggesting that Gorton was in Warwick if Massachusetts wanted him, and proferred to stay there to going to Massachusetts on safe conduct, which was scorned. Massachusetts then warned the Gortonists that commissioners would be sent to obtain satisfaction, accompanied by an armed guard. On September 28, 1643, three commissioners and forty soldiers, marching on Warwick, received a letter from Gorton and his followers warning them not to invade Warwick. The answer was an offer of conversations and negotiations, and a threat, if there was no repentance for misdeeds, that the settlers would be treated "as men prepared for slaughter."

The Warwick men sent their women and children into the woods and to other places of safety and fortified a house. When the Massachusetts troops passed through Providence four men from the town joined the party with the purpose of acting as conciliators. A parley was arranged with the four Providence freemen as witnesses. The commissioners from Massachusetts asserted their purpose to carry Gorton and his followers to Boston for trial for wrongs to subjects of Massachusetts and for blasphemy, *or to put them to death* and sell their property to defray the costs. The Warwick men objected to an assumption by Massachusetts of the dual rôle of accuser and judge, and proposed an appeal to England; and when this was rejected, proposed arbitration by impartial men. The proposition for arbitration was referred back to the Massachusetts magistrates; the Providence witnesses urged arbitration to avoid bloodshed, thus: "How grievous would it be (we hope to you) if the men be slain, considering the greatest monarch in the world cannot make a man; especially grievous seeing they offer terms of peace." The magistrates referred the matter to the elders; and the *synod* decided against the proposition!

The truce declared while reference was made to Massachusetts was ended, and a concerted siege of the house occupied by the Gortonists began. The cattle were seized, and the English flag hung out by the Warwick men was riddled with bullets. The Gortonists refrained from firing, though holding the enemy at bay by threat. An attempt to set the house on fire failed, and reinforcements were called for from Boston on October 8. On October 13 Gorton and his followers surrendered and were marched to Boston as prisoners, in utter violation of the articles of surrender under which they were to "go along as friends

\*Probably Pomham.

†Chapter IV.

and neighbors." As a matter of fact, the Massachusetts soldiers drove off cattle and swine and pillaged the houses at Warwick. Ten men had held an army back for two weeks; instead of the honorable treatment ordinarily accorded prisoners after a valiant defence, they were treated with the utmost ignominy. Gorton and his followers declined an invitation to attend church in Boston on the following Sunday, and when threatened with compulsory attendance, demurred until they won the liberty of answering the preacher. Gorton answered adequately John Cotton, who preached.

Gorton and his followers were tried in Massachusetts *for heresy*, the charge being based upon the contents of letters sent by Gorton to Boston in the course of the controversy, and the trial assumed the form of inquisition, Gorton being required to answer questions involving religious dogma. The trial thus became an incident in the persecution of Gorton because of his religious opinions. His answers varied sufficiently from the views held in Massachusetts to insure a verdict of guilty. Upon this finding all but three of the magistrates favored putting Gorton to death, but a majority of the deputies in the General Court dissented. Gorton and six of his followers were thereupon sentenced to be confined in irons and to be set to work, with threat of death should they break jail or proclaim heresy or reproach church or state. After being paraded in their irons before Mr. Cotton's congregation for the edification of some and the education of others as to the penalty for heresy, the prisoners were distributed to several towns as follows: Gorton to Charlestown, Carder to Roxbury, Holden to Salem, Potter to Rowley, Weston to Dorchester, Wickes to Ipswich. Warner was kept in Boston. Whether or not these sentences may be construed as life imprisonment at hard labor, in commutation of the death penalty, which the deputies were unwilling to decree, remains a moot question; there was no time limit imposed on the sentences, and Gorton subsequently charged an attempt to starve him to death on short rations. Three other Gortonists—Waddell, Waterman and Power—were not treated so badly as the seven. Waterman was fined; Waddell was restricted to Watertown but not locked up; and Power was dismissed with an admonition, on his plea that he did not participate in the offences alleged. The punishment of Gorton and his followers, as the circumstances gradually came to be known by the people of Massachusetts, caused so much dissatisfaction that a new General Court was summoned to allay the murmuring. On March 7, 1644, the Gortonists were ordered released forthwith, and banished with the proviso "that if they or any of them shall after fourteen days . . . . come within any part of our jurisdiction either in Massachusetts, or in or near Providence, or any of the lands of Pomham or Soconoco, or elsewhere within our jurisdiction, then such person or persons shall be apprehended wheresoever they may be taken, and suffer death because of law." Released from their chains, Gorton and one of two of his followers, remained in Boston awaiting the others, planning to make the journey from Massachusetts together. But the people of Boston "showed themselves joyful to see" Gorton and his friends at liberty; and thereupon at ten o'clock one morning the Governor ordered them to depart before noon under further penalty if they remained longer. They left without opportunity to procure provisions for the journey, and, as so many others banished before them had been, were fed by the Indians as they made their way toward Shawomet, where they planned to stop temporarily. It will be noted that the remission of imprisonment included banishment not only from Massachusetts, but also from Providence, Pawtuxet and Warwick. Over two of the three Rhode Island places Massachusetts had assumed jurisdiction by reason of the submission of a few of the inhabitants in each instance; over Shawomet jurisdiction was claimed by the submission of Pomham and Soconoco. Plymouth, Connecticut and New Haven might be expected to refuse to receive the outcasts as a matter of comity and amity in view of their membership in the New England confederacy. Unless Gorton and his friends should go to the Dutch, which probably was heartily wished, Aquidneck was the only refuge left in New England. Thither Gorton and his followers went from

Warwick, and there they were "lovingly received." Gorton's earlier banishment from Portsmouth because of contempt for the civil authorities was forgiven now that he had become a martyr for the sake of religious liberty, the love of which grew steadily stronger, if that were possible, in Rhode Island.

The return of Gorton and his followers so impressed the Narragansett Indians that Canonicus and other sachems acknowledged the sovereignty of the King of England and placed themselves by submission under his protection. Gorton and Holden, and John Greene of Warwick were delegated to carry the Indians' submission to England, and sailed *via* New Amsterdam instead of Boston, because Massachusetts was closed to them. Gorton planned to present at the same time his own appeal from the proceedings in Massachusetts. The appeal, as it looked for an adjustment for the future, was sustained without hearing Massachusetts, on the general ground that Warwick lay outside the Massachusetts patent and that Massachusetts had no authority to extend jurisdiction beyond the boundaries included in the patent. Massachusetts was ordered to remit further penalties, and not to interfere with Gorton and his followers in Warwick. Still the magistrates were obdurate and stubbornly unwilling even to allow Holden, who returned with the decree sustaining Gorton's appeal, to land at Boston and to pass through Massachusetts into Rhode Island. They yielded safe conduct as discretion became preferable to valor; but Edward Winslow was dispatched to England to present a counter-appeal on behalf of Massachusetts. While in London, Gorton published at least two editions of his "Simplicity's Defence Against a Seven-Headed Policy," in which he related in detail the incidents of his persecution by Massachusetts. The essential details are corroborated by Winthrop's "Journal," and Gorton's tale, outrageous as the conduct of Massachusetts appears to twentieth century intelligence, bears all the earmarks of truth. On his return to America, Gorton found difficulty in obtaining permission to land at Boston and pass through Massachusetts to Rhode Island; he was allowed to do so only on presenting a letter from England guaranteeing safe conduct. Following the decree in their favor the Warwick men removed from Aquidneck to Shawomet and resumed cultivation of their plantations. They had endeared themselves to Rhode Islanders because of persecution by the common enemy. In 1679 the King annulled the sentences of banishment imposed on Gorton and his followers in Massachusetts.

Massachusetts was not content to lose, without a determined struggle to retain it, Warwick and the harbor on Narragansett Bay so fondly wished for. On the theory that possession in fact is weighty evidence in law, 10,000 acres of land in Warwick were granted in 1644 by Massachusetts to inhabitants of Braintree to encourage them to start a Massachusetts settlement in the disputed territory, for which Plymouth had recently asserted a claim. On Plymouth's objection that title would be challenged, the Braintree people went elsewhere. Her counter-appeal to England against Gorton having yielded nothing, Massachusetts next sought the assistance of the commissioners of the United Colonies. The commissioners were asked to explain, with reference to the question of jurisdiction, the effect of Plymouth's failure to object when Massachusetts asked for and received the acquiescence of the council to its proposal to discipline Gorton. The commissioners, discreetly wishing to avoid a decision, which if for either Massachusetts or Plymouth would offend the other, were diplomatic and evasive in their answer. In 1649, on further pressure for a decision, they advised Massachusetts and Plymouth to reach an agreement by treaty betwixt themselves, and in 1650 advised Massachusetts to relinquish jurisdiction to Plymouth.

THE PARLIAMENTARY PATENT—Roger Williams, who had gone to England in the fall of 1643 to seek a charter for Rhode Island, arrived after the flight of King Charles I; and was successful in obtaining a patent from the Parliamentary government then in control. He returned to America in 1644 with the document known as the Parliamentary Patent or the Warwick Charter for Providence Plantations, which authorized a union of the four settle-

ments, at Providence, Portsmouth, Newport and Shawomet, under one government. The patent, if carried into effect by union under it, would effectually settle the question of jurisdiction. Massachusetts and Plymouth were not friendly disposed, and both evinced an opposition which they tried to make effective. Both warned the Warwick settlers of claims of jurisdiction there antedating the Parliamentary Patent. Plymouth authorized an agent to make a house-to-house canvass in Portsmouth and Newport and to warn the people there that Plymouth claimed jurisdiction, a curious assumption in view of the assurances freely given to John Clarke and others in 1638 that the island lay beyond the Plymouth patent, and of the welcome extended to Clarke to settle on the island as friends and neighbors. This effective interference postponed the achievement of a union until 1647. So late as 1651 Massachusetts warned the government of Rhode Island to refrain from taxing inhabitants of Warwick, threatening to seek satisfaction for such taxation "in such manner as God shall put into their hands." Not until 1658, when William Arnold and William Carpenter petitioned the General Court for a full discharge of their persons and estates from Massachusetts, did the Bay Colony release its claim of jurisdiction in Pawtuxet and Shawomet. Roger Williams assisted in procuring this adjustment. Meanwhile Gorton and others of the Warwick men persisted in claims for damages against Massachusetts, based upon the loss of cattle, trespass upon their estates, arrest and imprisonment, and incidental losses by reason of interference with their regular occupations. Their claim was presented to the General Court in 1661, and to the King's commissioners for New England in 1665. An answer to the second petition on behalf of Massachusetts evoked this letter from George Cartwright, one of the King's commissioners, to Samuel Gorton: "These gentlemen of Boston would make us believe that they verily think that the King has given them so much power in their charter to do unjustly, that he reserved none for himself to call them to an account for doing so. In short, they refuse to let us hear complaints against them; so that, at present, we can do nothing in your behalf. But I hope, shortly, to go to England; where, if God bless me thither, I shall truly represent your sufferings and your loyalty."

**BOUNDARY DISPUTES WITH CONNECTICUT**—New York is the only state contiguous to Rhode Island with which Rhode Island never had a boundary dispute. With both the other adjoining colonies and states, Connecticut and Massachusetts, boundary disputes were long continued and involved interference by both in Rhode Island's affairs. The pretext for a boundary dispute with Plymouth, first, and subsequently with Massachusetts as the successor of Plymouth, on the east, appeared in the warning served upon the Portsmouth and Newport people in 1644. The contention then, and others involved in locating the boundary established by the charter of 1663 and in adjusting it, continued until 1861. The western boundary dispute with both Connecticut and Massachusetts, the latter of which was still pursuing its general policy of bringing all of New England under its control, and its particular policy of obtaining access to Narragansett Bay, reached back to the Pequot War, and forward to 1727, when the King issued a decree sustaining Rhode Island, and to 1840, when the line was straightened. The western boundary controversy rested, first, upon assertion of right by conquest, and subsequently upon the interpretation of the charters of Connecticut, 1662, and of Rhode Island, 1663. Massachusetts claimed Block Island by conquest and sold it to a land company; the island was assigned to Rhode Island by the charter of 1663, and was admitted to Rhode Island as the town of New Shoreham by consent of the inhabitants in 1664. Massachusetts and Connecticut both asserted ownership of the Pequot country by right of conquest at the close of the Pequot War. The commissioners of the colonies, on the basis of this claim, assigned the Pequot territory east of the Mystic River to Massachusetts in 1658, a decision that affected Rhode Island only as the eastern line of the Pequots rested either at the Pawcatuck River or at Weekapaug Brook, five miles farther east. Other claims affecting the western boundary of Rhode Island were founded as follows: (1) Connecticut's, to all



BROAD STREET, PASCOAG



PASCOAG AT RAILWAY STATION



the Narragansett territory so far east as Narragansett Bay, based on the patent granted to Lords Say and Seal, 1631, extending east so far as Narragansett River; (2) Rhode Island's to all of the Narragansett territory, based on the Patent of 1644, which described a tract of land "bordering north and northeast on the patent of Massachusetts, east and southeast on the Plymouth patent, south on the ocean, and on the west and northwest inhabited by the Indians called . . . Narragansetts; the whole tract extending about twenty and seven English miles unto the Pequot River and country"; (3) the claim of the heirs of the Duke of Hamilton, based upon a grant by Plymouth Colony in 1635 of all the territory between the Connecticut and Narragansett Rivers; (4) the Connecticut claim, based on the Connecticut Charter of 1662, which defined the eastern boundary of Connecticut as the "Narragansett River, commonly called Narragansett Bay"; (5) the Rhode Island claim, based on the Rhode Island Charter of 1663, which defined the western boundary of Rhode Island as "west or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck." In view of the apparent inconsistency in the Connecticut Charter and the Rhode Island Charter, it should be noted that John Clarke presented objections to the Connecticut Charter before Winthrop, who negotiated it, left England, and that the objection was referred to four arbitrators, who decided in favor of Rhode Island that the "Pawcatuck River should be the certain bounds between the colonies, which said river should for the future be called *alias* Narragansett River." With this decision the Connecticut Charter could stand without amendment as a grant so far as the Pawcatuck River "*alias* Narragansett River"; and the Rhode Island Charter, granted subsequently to the decision by the arbitrators, named the Pawcatuck River as the western boundary. Connecticut undertook to avoid the effect of the decision of the arbitrators by alleging that Winthrop's agency ceased when he had negotiated the charter, and that he had no authority to represent Connecticut in the proceedings before the arbitrators. Aside from colonial claims to territorial jurisdiction, private claims in the Narragansett territory had been established as follows: (1) By Roger Williams, John Wilcox and Richard Smith in and near Wickford, by trading stations dating from about 1641; (2) the Pettaquamscott purchase from the Indians, 1658, of territory embracing approximately the present towns of Narragansett and South Kingstown; (3) the Misquamicuck (or Westerly) purchase in 1660, by freemen from Newport, of land between the Pawcatuck River and Weekapaug Brook; (4) the Atherton purchase, 1659, of approximately the eastern half of North Kingstown; (5) the Narragansett Indian mortgage to the Atherton Company, 1660, of all Indian land not already sold; and (6) the foreclosure of the Indian-Atherton mortgage, 1661. The General Assembly in 1658 had forbidden purchases from the Indians without legislative sanction, the effect of this legislation, if Rhode Island actually had jurisdiction, being to make the Atherton purchase, the Atherton mortgage, and the foreclosure of the Atherton mortgage, all null and void.

Massachusetts in 1658 incorporated a town under the name Southertown, later Stonington, lying on both sides of the Pawcatuck. The earliest actual clash occurred when some of the Newport people who had purchased Westerly were first warned away by Massachusetts as trespassers, and next arrested. Three were taken to Boston, of whom Tobias Saunders and Robert Burdick were fined and committed to jail for failure to pay the fines. Rhode Island protested; meanwhile a border war prevailed among the settlers along the Pawcatuck. In the final adjustment the Pawcatuck River became the intercolonial and interstate boundary with the Rhode Island town of Westerly on one side and the Connecticut town of Stonington on the other. The Connecticut village of Pawcatuck, directly opposite Westerly, is served in the twentieth century by the United States post office at Westerly.

The Massachusetts claim of the Pequot land on both sides of the Pawcatuck, ignored in the Connecticut Charter and the Rhode Island Charter, was disposed of finally by the King's commissioners in 1665, who held all grants made under "that usurped authority called

the United Colonies" void, and further that "no colony hath any just right to dispose of any lands conquered from the natives, unless both the cause of that conquest be just, and the lands lie within those bounds which the King by his charter has given it." The King's commissioners also decided the boundary controversy betwixt Rhode Island and Connecticut resting upon the interpretation of the charters favorably to Rhode Island. Going back to the submission of Canonicus and other Indians to the King in 1644, the Narragansett territory was designated as the King's Province thence. The boundaries of the King's Province were defined as extending westward to the Pawcatuck River, and the province was placed by the commissioners under the administration of the Governor, Deputy Governor and Assistants of Rhode Island. The Atherton purchase and mortgage both were declared void. Possibly the controversy with Connecticut might have ended in 1665 had Rhode Island's enemies lived exclusively beyond the border.

**TRAITORS WITHIN**—Richard Smith, son of the Richard Smith who came from Taunton to Wickford to set up an Indian trading post there, although he was an inhabitant for many years, never had become a real Rhode Islander. He longed for an established church and a strong civil government. The organization in Connecticut appealed to his notions of "power" and "protection." Writing to Connecticut in 1668, on behalf of himself and other malcontents at Wickford, he complained that we are "not able to live either in our civil or ecclesiastical matters without government." Even before the King's commissioners had decided the boundary issue favorably to Rhode Island, Smith had been active in promoting Connecticut's interest. When Connecticut seemed disposed to accept the commissioners' decision, Smith bombarded the colonial government at Hartford with importunities not to desert him and his associates, but to reassert and maintain the Connecticut claim. Governor Winthrop of Connecticut, who had negotiated the Connecticut Charter and had been a party to the arbitration in London to determine the boundary, opposed action by Connecticut at least "until his majesty's pleasure be further known." Other influential Connecticut men doubted the expediency of pressing the claim in view of the relatively small value of the territory involved. Contrary counsel prevailed, and Connecticut reopened the controversy. An attempt at arbitration failed; agents of the two colonies met at New London on June 16, 17, 18, 1670, and conducted "conversations" by an exchange of letters and answers, without making any headway toward agreement. Connecticut thereupon proclaimed its jurisdiction at Wickford and Westerly, and the Rhode Island General Assembly prepared to meet invasion by armed resistance. Border warfare was renewed along the Pawcatuck, consisting of eviction of alleged "trespassers," and arrests. There was no bloodshed, and no actual conflict of armed officers. Roger Williams laid the cause of the first trouble to "a depraved appetite after great portions of land in this wilderness" and "an unneighborly and unchristian intrusion upon us, as being the weaker, contrary to" the Connecticut "laws as well as ours." John Mason, Lieutenant Governor of Connecticut, answering Roger Williams, questioned "whether the territory in dispute was worth the expense of trying to acquire it." William Harris of Rhode Island, urged the General Assembly not to maintain Rhode Island's claim, and so angered the people of Rhode Island that he was committed to prison for "high contempt and sedition." Roger Williams attributed the position of Harris to the latter's hope and wish to profit from the establishment of Connecticut's claim. Harris specifically opposed sending John Clarke to England to represent Rhode Island in an effort to establish the boundary indicated in the Charter. In the next election, following the imprisonment of Harris, the General Assembly, which had been strongly positive in supporting the Rhode Island view, was replaced by another that was more conciliatory, and the settlement of the dispute was postponed as King Philip's War loomed on the horizon.\*

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\*Chapter IV.

Following King Philip's War, Connecticut claimed the Narragansett country by conquest and warned the Rhode Island settlers not to return to their homes. Massachusetts, with greed for land still unabated, abetted Connecticut, fondly hoping that if Connecticut prevailed, the Massachusetts claim might be revived. Rhode Island protested Connecticut's action, and negotiations for settlement of the controversy were resumed. Rhode Island offered Connecticut 5000 acres of land, to be sold by Connecticut, jurisdiction remaining with Rhode Island, but the offer was rejected. Connecticut ordered a survey of the Narragansett lands, and Rhode Island laid out a new town at East Greenwich in the territory. The dispute was next transferred to England. Richard Smith and William Harris went to London as agents on behalf of Connecticut, with a petition asking that the Narragansett country *and the islands in the bay* to be given to Connecticut. Randall Holden and John Greene were already there, representing Rhode Island in a lawsuit between Harris and Warwick. After argument, the King's decision, rendered December 13, 1678, restored the King's Province to its original status, under the jurisdiction of the Rhode Island authorities, until further notice. Connecticut asserted a right to possession under an assumption that the words "present status" as applied to the King's Province were to be interpreted as applying to the *de facto* situation existing, rather than the *de lege* situation established by the King's commissioners in 1665. The decree of December 13, 1678, notified all persons having claims to present them. Rhode Island reasserted jurisdiction in the disputed territory and Connecticut protested. Rhode Island thereupon gave notice of intention to survey the western boundary line, and invited Connecticut to participate. Connecticut declined the invitation.

The death of William Harris delayed further pursuit of the controversy for nearly two years. Sailing for England as Connecticut's agent in December, 1679, he was captured by pirates, held prisoner for over a year, and, being ransomed, died a few days after reaching England. Connecticut renewed action in England before the Board of Trade, which recommended an investigation by commissioners in America. The commission consisted of Edward Randolph, English collector of customs in Massachusetts; Edward Cranfield, Governor of New Hampshire, and seven Massachusetts men. The commission notified Rhode Island that it would meet at Richard Smith's house in Wickford on August 22, 1683, requesting production of documents and presentation of printed briefs. Rhode Island, seriously doubtful of obtaining justice from the commission, questioned the commission's right to proceed, because the notice was not issued "in his majesty's name; because they have not shown any commission to this government from his majesty for their so acting; and because his majesty hath not given any information thereof to us by any of his royal letters." This demurrer to the jurisdiction appears to have been ill-advised, as it prejudiced the commissioners against Rhode Island, if indeed they were not prejudiced from the beginning. Their contemporaries regarded Randolph as unscrupulous and inefficient, and Cranfield as a corrupt politician; Rhode Island might expect little from a commission in which Massachusetts men comprised an overwhelming majority. Rhode Island defaulted practically by failure to present a case, and the commissioners sustained Connecticut's claim to jurisdiction and the Atherton claim to title, on the evidence presented. Fortunately for Rhode Island the commissioners' findings were not confirmed in England.

ANDROS INTERVENES—Meanwhile in England plans were approaching maturity for the revocation of all the New England patents and charters, and the consolidation of the several colonies as provinces under a royal governor. During the Andros usurpation, as it is called in America, the Narragansett territory had the status of a royal province. On August 31, 1687, Andros, who had made a careful investigation of the old controversy, reported in favor of Rhode Island on the ground that the grant to Connecticut in 1662 was cancelled by the subsequent grant to Rhode Island in 1663, each being purely an exercise of the royal prerogative, each successive grant repealing previous grants inconsistent therewith, and against the

Atherton claims as extorted by force. With the departure of Andros, the Narragansett territory remained under Rhode Island control, although the disorders along the Pawcatuck River boundary continued. Connecticut apparently had abandoned the Narragansett claim for the time being; but the Narragansett proprietors, determined in their opposition to Rhode Island, were not content. In 1696 the English Attorney General, on a petition by them addressed to the crown, sustained Connecticut's right as prior, but no action was taken, and thus the matter rested with Rhode Island actually in possession. An agreement by Rhode Island and Connecticut reached in 1703 fixed the boundary line in the Pawcatuck River up to the mouth of the Ashaway River, thence to the southwest corner of Warwick, and thence north to the southern line of Massachusetts. When in 1719 it was proposed to survey and run the line, Rhode Island and Connecticut again disagreed. This time Connecticut repudiated the agreement reached in 1703 and claimed as her eastern line the Pawcatuck River to its headwaters in Worden's Pond, and thence a line drawn due north. The Connecticut proposition, which would deprive Rhode Island of a strip of territory ten miles wide running almost the length of the colony, was rejected, and an appeal to England was taken. The Board of Trade heard arguments in February, 1723, and on March 22 reported to the Privy Council: "Upon the whole, it seems probable to us, as well as from the pretended grant of the Earl of Warwick and others to the colony\* of Rhode Island, as from the submission of the boundaries to arbitration by the agents of Connecticut and Rhode Island so soon after the Charter of Connecticut had been obtained, that King Charles II was surprised in his grant to Connecticut, and that his majesty intended to reduce the grievance complained of by Rhode Island by his subsequent charter to them; but the former Charter to Connecticut being still in force and never made void by *scire facias* or otherwise, it is certain that the relief intended for Rhode Island is of no force in law. However, in justice to Rhode Island, it must be observed that the transactions of the commissioners appointed [in 1703] by the respective colonies of Connecticut and Rhode Island are a strong proof that those of Connecticut did apprehend that the pretensions of Rhode Island were just and equitable."

Both Rhode Island (November 26, 1723), and Connecticut (October 28, 1723), rejected a proposition that they surrender their Charters and be annexed to New Hampshire; and Connecticut expressed a willingness to abide by the King's decision as to the Narragansett territory. The Board of Trade on January 25, 1726, recommended that the line be as agreed upon in 1703, and the King issued a decree on February 8, 1727, confirming the boundary as the Pawcatuck River to the mouth of the Ashaway River and thence due north. Adjustments of the line were made in 1840 and in 1887 without controversy.

**BOUNDARY DISPUTES WITH MASSACHUSETTS AND PLYMOUTH**—The Parliamentary Patent of 1643 established the northern and eastern lines of Providence Plantations by reference to the southern and eastern lines of the Massachusetts and Plymouth patents. Beyond the controversies arising because of Massachusetts and Plymouth claims of jurisdiction in Providence, Pawtuxet and Warwick, already mentioned, the eastern boundary contest was postponed until the granting of the King Charles Charter of 1663, and involved definition of the line three miles east of Narragansett Bay, and the line due north from Pawtucket Falls, the territory now included in the Rhode Island towns of Barrington, Bristol, Cumberland, Little Compton, Tiverton and Warren, and part of the present Massachusetts city of Fall River. Plymouth complained of trespass in 1664, and Rhode Island proposed a determination of boundaries. The King's commissioners, to whom the issue was referred in 1665, waived decision with the suggestion that the matter rest until the King might decide. For the time being the boundaries accepted were the Seacownet River, the easterly shore of Narragansett Bay, the Providence and Seekonk Rivers, a continuous water line. In 1680 the Mount Hope land, formerly King Philip's favorite home, was confirmed to Plymouth. Plymouth and

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\*The reference here is to the Parliamentary Patent, which was void in the eyes of the monarchy.

Massachusetts were united under one charter in 1691, and the eastern boundary line thereafter was an issue betwixt Rhode Island and Massachusetts. In 1719 the northern boundary with Massachusetts was run by agreement. Monuments were placed in 1847; and readjustments were made by agreement in 1883. Both Rhode Island and Connecticut northern boundaries were defined in their charters as the southern boundary of Massachusetts. The charter of Massachusetts defined the southern boundary of that colony as three miles south of the Charles River. Nathaniel Woodward and Solomon Saffery were employed by Massachusetts in 1642 to locate the boundary line, and made a report showing a map of the Charles River and the location of a stake three miles south therefrom in the plain at Wrentham. This stake was accepted in 1718 as the point from which the boundary of Rhode Island should be run. More careful surveys later showed that the stake placed by the Massachusetts surveyors was actually seven miles and fifty-four poles south of the Charles River, and indicated that Massachusetts by this location had gained a strip of territory twenty-two miles long and more than four miles wide containing approximately ninety square miles. Governor William Greene protested to his majesty in 1752-1753 that Rhode Island had been deceived. Perhaps the Rhode Island commissioners were wrong in accepting the location pointed out by the Massachusetts commissioners, without investigation, in view of the marked propensity shown by Massachusetts theretofore to expand jurisdiction wherever and whenever possible. It was too late in 1753, thirty-four years after the boundary had been agreed to by both colonies, to upset the agreement. When readjustments were made in 1883, consideration was given to the growth of towns and villages along the line.

Rhode Island, in 1733, appealed to the King for a settlement of the eastern boundary, claiming Cumberland, then known as the "Attleboro Gore," and all of southeastern Massachusetts west of a line three miles east of Mount Hope Bay, and the Massachusetts town of Seekonk (now East Providence, Rhode Island), on the interpretation that the mouth of the Providence River was at Fox Point, where the Providence and Seekonk Rivers meet, and not at Bullock's Point, now established as the mouth of the Providence River as it enters Narragansett Bay. Massachusetts claimed everything east of Narragansett Bay. The English Privy Council appointed commissioners from New York, New Jersey and Nova Scotia to determine the boundary, and on June 30, 1741, the commission awarded Rhode Island Cumberland by fixing the boundary as a true meridian north from Pawtucket Falls; and also a strip of territory three miles wide from Bullock's Point to Seaconnet Point. Both Rhode Island and Massachusetts appealed, but in May, 1746, the Privy Council sustained the commission. Rhode Island surveyed the line alone, Massachusetts having refused to participate. Following a suit in equity the eastern boundary line was adjusted finally in 1861 by agreement with Massachusetts under the authority of an act of Congress. Rhode Island ceded the town of Fall River to Massachusetts, and acquired by cession the Massachusetts town of Pawtucket (so much of Pawtucket as lies east of the Blackstone and Seekonk Rivers), and the present town of East Providence.

The prolonged and bitter struggle with Connecticut over the western boundary was due quite as much to inhabitants of Rhode Island who were hostile to the colony as to Connecticut. In the first instance, the hostility centered in Richard Smith and his followers at Wickford, who were desirous of a more absolute form of government than the democracy made the subject of a lively experiment in Rhode Island; later, the strife was fomented by a group of royalists led by Francis Brinley, who were anxious to accomplish the destruction of the republican form of government in Rhode Island. The eastern boundary controversy did not attain to the bitterness that marked the struggle with Connecticut, probably because possession of disputed territory remained with the stronger neighbor to the east, reversing the western situation with the weaker neighbor in control. Along both boundaries there were frequent quarrels, conflict of tax collectors, disputes as to the lines determining the jurisdiction of

sheriffs and other officers, and appeals, beginning along the eastern frontier with those of William Blackstone against taxation by Plymouth after 1663.

The good will prevailing along the eastern boundary in the twentieth century is indicated by the bronze monument\* to Colonel Henry Tillinghast Sisson of Little Compton, which was erected jointly by the State of Rhode Island and Providence Plantations and the Commonwealth of Massachusetts. It commemorates the bravery of Colonel Sisson and the Fifth Rhode Island Heavy Artillery, who on April 13, 1863, raised the siege of Fort Washington, North Carolina, and relieved the Twenty-seventh and Forty-fifth Regiments of Massachusetts Volunteers, who had been surrounded by an overwhelming force of Confederate soldiers under command of General Magruder. When a force of nearly 5000 Union soldiers had failed to break the Confederate lines in an attempt to relieve Fort Washington, Colonel Sisson asked permission to try to run the Confederate batteries on the Tar River and carry aid by water. His project was at first condemned as foolhardy, but at length he was given permission, if he could find volunteers. His regiment, the Fifth Rhode Island Heavy Artillery, volunteered unanimously. The voyage on the river was made in a small steamboat covered with bales of hay as armor. The steamboat carried the 388 members of the regiment and ample supplies of food and ammunition to relieve the garrison.

**TWENTIETH CENTURY BOUNDARY PROBLEMS**—The increasing population in New England and the tendency of centres of population to expand in almost utter disregard of artificial boundaries, such as state lines following meridians of longitude or parallels of latitude, or extending in straight lines otherwise between fixed points, suggests other problems. The state of Rhode Island reimbursed certain of its law enforcement officers who during the Dorr War followed fugitives into Bellingham, Massachusetts, and arrested them there, when the Rhode Island officers were prosecuted by Massachusetts, properly, for intrusion. The Rhode Island officers asked reimbursement from Rhode Island because, acting zealously in what they believed to be their duty, they had ignored the interstate boundary line, not knowing its actual location. Bellingham, Massachusetts, and Blackstone, Massachusetts, adjoin Woonsocket, Rhode Island, so closely as to suggest for municipal purposes a coöperation in police, fire, school and other matters which would be mutually advantageous and economic. The interstate boundary line remains as an outstanding obstacle. Toward the southeast boundary Fall River, Massachusetts, and Tiverton, Rhode Island, are continuous as a matter of fact, but separate in law because lying in different states. Along the same boundary line there are other instances that suggest the desirability of adjusting state boundary lines to meet the problems of dealing with population that tends to ignore artificial boundaries. A river is not a natural boundary, so much as a convenient means of communication. The situation at Westerly-Pawcatuck at the southwest corner suggests that the state line there might follow some other course than the river with advantage to both communities. There the suggestion of community interest transcending the state line induced the Rhode Island General Assembly to modify the marriage law, which had limited marriages by clergymen to resident clergymen, in such manner as to permit the conducting of a marriage ceremony in Rhode Island by a non-resident clergyman for members of his congregation living in Rhode Island, provided at least half the congregation resided in Rhode Island.† When shifting state boundaries is suggested as a remedy for problems arising in border-line communities, each state involved seeks a consideration for what it may surrender, by cession to it of equal areas, or equal population, or property of equal valuation, and a problem of readjustment, far from being simple and local, tends to become complicated and extensive.

From the struggles with its neighbors involving religious toleration, Rhode Island took renewed devotion to the great principles of Roger Williams. To him Rhode Island, and

\*Dedicated November 17, 1917.  
†Chapter 1005, Public Laws, 1927.

America, and all the world are indebted for clear enunciation of principles that are fundamental in modern democracy; and to him also and to all those good Rhode Islanders who, with all the intensity of bitter and sometimes vituperative disagreement as to religion and everything else, maintained agreement on the essential principle of toleration, all mankind owes a debt of gratitude which may best be repaid by strict observance of the principle of trusting the common man. Roger Williams had no sympathy with the Quakers, and yet could live with them and shield them from persecution. Roger Williams detested the opinions of Gorton, and yet could live with him and sympathize with him. Roger Williams returned the ill-treatment meted out to him by Massachusetts with many a kindness. What a wonderful world this would be if everyone could be agreeable in disagreement!





## CHAPTER VI.

### ORGANIZING A DEMOCRACY.

**M**Y soul's desire was to do the natives good, and to that end to have their language (which I afterwards printed), and therefore I desired not to be troubled with English company," said Roger Williams in 1677, referring to the founding of Providence Plantations. He planned to serve the Indians as a social missionary, living among them; it was not his purpose to found a colony or a state. Yet he yielded to the urgent requests of other souls troubled by persecution as his was, and made Providence a refuge for those ostracized by neighboring colonies. He soon had companions in large numbers as the theocratic establishments elsewhere cast out the heterodox, and with them faced the problem of organizing the community. Himself a victim of tyranny, of a clerico-political system in which authority was the dominating factor, of a ruthless purpose to suppress the individual in word and deed, and even in thought, it was to be expected that Roger Williams should undertake an experiment in democracy as a substitute for autocracy and theocracy, and to be expected also that the turbulent spirits who found restriction in Massachusetts and Plymouth unbearable should find it not altogether easy to adapt themselves to the new freedom in Providence Plantations.

**THE LIVELY EXPERIMENT AT PROVIDENCE**—Democracy is the most complex and most difficult of all forms of government; at the opposite pole is autocracy, at once so much the simplest and easiest form of government as to be praised by philosophers. In an autocracy the citizen has no duty other than active and passive, unreasoned obedience; in a democracy he carries the responsibility of governing himself and others, his fellow-citizens. He must master himself, and control and curb his impulses, in order that he may assert the mastery necessary for success in the complex relation that exists when governor and governed are identified in the same persons. Autocracy tends to be effectual in its utter ruthlessness, and men admire it for its power and brilliancy, and for the protection it affords; democracy is less efficient, so inefficient sometimes that men almost despair and long for a Cæsar or a Napoleon, but it is safer for the individual. In an autocracy the individual is submerged and overwhelmed; in a democracy he finds freedom and wins mastery as he learns to reconcile impulse with reason, and license with liberty. Providence Plantations in the seventeenth century conducted perhaps the most "lively experiment" in democracy that the world has ever known. It was democracy without precedent, a unique type of individual liberty, novel in its conception and almost fascinating in its development. Small wonder that Puritan critics, viewing Providence from without, and observing startling innovations and departures from conventionalities, believed that "the devil was not idle," and mistook a psychological intoxication arising from deep draughts of a new and potent liberty for physical inebriation. In the end democracy justified the hopes of its fondest advocates, though they, too, were mystified sometimes by its almost amazing problems. Roger Williams once lamented that he had "reaped nothing but grief and sorrow and bitterness" from his venture. And Sir Harry Vane, addressing all the inhabitants of the colony of Rhode Island, in 1654, said: "Are there no wise men amongst you? No public, self-denying spirits, that at least, upon the grounds of public safety, equity and prudence, can find out some way or means of union and reconciliation for you amongst yourselves, before you become a prey to common enemies, especially since this state [England] . . . gives you freedom, as supposing a better use would have been made of it than there hath been?"

Roger Williams at the beginning planned a system of land holding that avoided the economic error of communism, characteristic of ideal societies and found fallacious and impractical at Jamestown and Plymouth. He anticipated in the seventeenth century the American ideal of the husbandman attached to the soil as an individual land owner rather than as a tenant, the latter a relation that survived in Europe the crumbling of the feudal system with the rise of national states. There the feudal baron as a political officer was succeeded by the economic landlord. Roger Williams might have become landlord of the domain which he purchased from the Indians; he chose to apportion and distribute it to his companions in exile and those who came later and were admitted to fellowship or freemanship in the society. Probably early in 1636, he purchased a tract of land, the rather indefinite boundaries of which corresponded somewhat roughly with the boundary lines of the city of Providence in 1930. This was described in a confirmatory deed made by the Indians two years after the purchase and dated March 24, 1637-1638, as "ye land and meadows upon the two fresh rivers called Moshassuck and Woonasquatucket . . . from the river and fields at Pawtucket, the great hill of Neutaconkanut on the northwest, and the town of Mashapaug on the west." What purpose lay behind the motion to obtain a confirmatory deed from the Indians is not clear from record or contemporary explanation in letter or diary, although it may be assumed from the litigation with respect to land titles in Providence that continued for almost the first century of the town's history, that those who later were to challenge Roger Williams and to bring about an abandonment of his original plan were active so early as 1638, and that their persuasion and their insistence upon "clearing titles" may have paved the way for this and other confirmatory deeds in later days.

The confirmatory deed conveyed to Roger Williams also "all that land from those rivers reaching to Pawtuxet River, as also the grass and meadows upon the said Pawtuxet River." This particular provision in the confirmatory deed has been subject for vigorous controversy among Rhode Island historians, with charge of forgery and countercharge of mutilation. On the same paper, under the deed, is a memorandum dated May 9, as follows: "This was all again confirmed by Miantonomah. He acknowledged this his act and hand, up the streams of Pawtucket and Pawtuxet without limits we might have for our use of cattle. Witness hereof: Roger Williams, Benedict Arnold." Allegation has been made that the memorandum, intended to extend the limits of the grant of land, was a forgery so far at least as the signatures of Roger Williams and Benedict Arnold are concerned. Questions as to the boundaries of the Pawtuxet lands were subjects for a tremendous volume of litigation.

Roger Williams, on October 8, 1638, granted to twelve of his associates and himself "and such others as the major part of us shall admit into the same fellowship of vote with us . . . equal right and power of enjoying and disposing" the land in the Moshassuck and Woonasquatucket River Valleys; and to the twelve and himself "equal right and power of enjoying and disposing the lands and grounds reaching from the aforesaid rivers unto the great river Pawtuxet, and the grass and meadows thereupon." The consideration was thirty pounds for the Providence land, and twenty pounds for the Pawtuxet land. On the same day, October 8, 1638, the twelve grantees and Roger Williams entered into an agreement to divide the Pawtuxet lands equally, following the differentiation in the deed, which omitted reference to persons admitted to freemanship later, as in the instance of the Providence land. The Providence land was deeded to the original thirteen "and such others," etc. The plan of Roger Williams with reference to the Providence lands is related in a confirmatory deed made by Roger Williams in 1661 and carrying release of dower right by Mary Williams. The consideration of thirty pounds was to be paid by contributions of the twelve original grantees and subsequent contributions of thirty shillings each by later comers, as town lots were assigned to them after being made freemen by vote of the company. Aside from questions as to title, many of which were quieted later by an agreement dated July 27, 1640,

under which each proprietor at that time was given a deed in fee simple by the town covering his land lying within the town, the exact language used in these early deeds has historical interest only as it suggests the pretexts and causes for early quarrels and protracted litigation that vexed the inhabitants of Providence Plantations. The first town lots in Providence were laid out on the peninsula bounded east and south by the Seekonk River and west by the Providence and Moshassuck Rivers. Each lot fronted on the town street, now North Main and South Main Streets, extending back therefrom between parallel lines to Hope Street, and contained five acres. In addition to his town lot each proprietor was assigned six acres of pasture land on the common east of Hope Street, or in the Woonasquatucket Valley. An early plat shows fifty-four town lots, assigned to the original thirteen and forty-one others. The section east of Hope Street was called the common so late as 1890.

The conditions of acquiring land in Providence were admission to the company by vote of the proprietors for the time being, and payment of thirty shillings into the common fund. A grantee might sell his land to another proprietor, but not to a person not a member of the company without the consent of the latter. There was, therefore, no way by which Samuel Gorton, after his withdrawal from Portsmouth, could establish a plantation in Providence, the majority of the company being unwilling to admit him to freemanship because of his expressed hostility to compact government not supported by royal sanction. The conditions of continued ownership were occupancy and improvement. Thus Joshua Verein, whose name appears as one of those to whom home lots were assigned, removed from Providence back to Salem in 1637. Later in 1650, he asserted a claim that he had been "disinherited," and was answered by Gregory Dexter, Town Clerk, on behalf of the town of Providence, "that if you shall come into court, and prove your right, they will do you justice." In 1637 three proprietors were fined one shilling and sixpence each "for damage in case they do not improve their ground at present granted to them, *viz.*: by preparing to fence, to plant, to build, etc."

Of the earliest proceedings in town meetings in Providence more information is found in a letter written by Roger Williams than in the fragmentary official records that have been preserved. Roger Williams wrote thus:

The condition of myself and those few families here planting with me, you know full well: we have no patent: nor doth the face of magistracy suit with our present condition. Hitherto the masters of families have ordinarily met once a fortnight and consulted about our common peace, watch, and planting; and mutual consent has finished all matters with speed and peace.

Now of late some young men, single persons (of whom we have much need), being admitted to freedom of inhabitation, and promising to be subject to the orders made by the consent of the householders, are discontented with their estate, and seek the freedom of vote also, and equality, etc. . . .

I have, therefore, had thought of propounding to my neighbors a double subscription . . . .

The first concerning ourselves, the masters of families, thus:

"We whose names are hereunder written . . . . do with free and joint consent promise each unto other that . . . . we will from time to time subject ourselves in active or passive obedience to such orders and agreements as shall be made by the greater number of the present householders, and such others as shall hereafter be admitted by their consent into the same privilege and covenant in our ordinary meeting. . . ."

Concerning those few young men, and any who shall hereafter . . . . desire to plant with us thus:

"We whose names are hereunder written, being desirous to inhabit in this town . . . . do promise to subject ourselves in active or passive obedience to such orders or agreements as shall be made from time to time, by the greater number of the present householders of this town, and such whom they shall admit into the same fellowship and privilege. . . ."

"Heretofore we choose one (named the officer) to call the meeting at the appointed time; now it is desired by some of us that the householders by course perform that work, as also gather votes, and see the watch go on, etc."

**THE PROVIDENCE COMPACT**—There is no evidence of record or otherwise that Roger Williams carried his plan for a double subscription, or separate subscriptions, one for married men and one for single men, into effect. The first page of the earliest record book of the town of Providence carries this compact under date of August 20, 1637:

We whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves in active or passive obedience to all such orders or agreements as shall be made for public good of the body in an orderly way by the major consent of the present inhabitants, masters of families, incorporated together into a town fellowship, and others whom they shall admit unto them *only in civil things.*

This compact was signed by Richard Scott, William Reynolds, Chad Brown, John Warner, John Field, George Rickard, Edward Cope, Thomas Angell, Thomas Harris, Francis Wickes, Benedict Arnold, Joshua Winsor, and William Wickenden. The fact that Roger Williams did not sign is interpreted as indicating that the compact was subscribed by late comers principally; and the fact that it was signed by Thomas Angell and Francis Wickes, who were among the original companions of Roger Williams, is explained by the suggestion that both were minors in 1636, and had reached majority since then.

Whether or not there had been actually, as indicated by the plan outlined in the letter written by Roger Williams, an earlier compact by married men; and whether or not this was the original written agreement for government in Providence; and whether or not Roger Williams was the author of the compact, as suggested by its general similarity to the agreement proposed in his letter; and whether or not Roger Williams was the author of only part of the Providence compact, and, as has been maintained vigorously, Richard Scott or some other of the signers inserted the words "only in civil things"—these matters of controversy for antiquaries yield in significance to the purport of the Providence Compact as the first social contract for government into which the principle of complete religious liberty was written. In this aspect the Providence Compact departed from precedent; it was *sui generis*, original and unique. Its importance was fundamental and transcendental, and it marked the opening of a new era in the affairs of mankind. It attained to the complete separation of civil and ecclesiastical authority; it abolished theocracy. It carried democracy in politics to completion in the limitation of the authority of the state to "civil things only." It was revolutionary, forecasting the destruction of older systems. It established the principle wanting in Greek democracy, in Roman republicanism, and in the freedom of mediaeval city states and city republics—the freedom of the individual from petty tyranny. It left the regulation of his private life to the citizen. It exalted the common man in its concession to his conscience. It forecasted the new nation "conceived in liberty and dedicated to the proposition that all men are created equal." It contributed to American democracy the single new principle that has made it distinctive from the democracy of ancient civilizations. It originated with the people and it was carried into effect in Providence within a twelvemonth. On May 21, 1637, "it was agreed that Joshua Verein, upon the breach of a covenant for restraining of the liberty of conscience, shall be withheld from the liberty of voting till he shall declare to the contrary." The fact basis for the complaint against Joshua Verein, as disclosed by other sources of information than the Providence record, was his objection to his wife's attendance on religious meetings conducted by Roger Williams. The new freedom was already producing an unprecedented ferment in Providence, "men's wives and children and servants claiming liberty to go to all religious meetings, though never so often or though private, upon the week days."

That the indifference to political duties that leads citizens in modern states to refuse public office, to avoid service on juries, and to neglect to exercise suffrage is not new is demonstrated by early experience in Providence. Attendance at town meetings to participate in dispatching the business related to the common welfare became so irksome in practice that a fine was set

for tardiness or absence; to prevent avoidance of the duties of "officer," the elective official whose duty it was to call meetings, it was proposed that the office follow a regular course among the inhabitants. By 1640 the business of the town, particularly that which had to do with ending disputes over titles and boundaries, had assumed such volume that relief from town meetings was sought through an agreement, drafted by a committee consisting of Robert Cole, Chad Brown, William Harris and John Warner, to entrust routine matters to five freemen, chosen by the town in quarterly meeting, and a town clerk, elected annually. The new officers were called "disposers" and were to meet at least once each month. From any decision by the disposers an appeal could be taken to the town meeting; new freemen were to be admitted only after six days' notice, and subject to an appeal to the town meeting. The agreement of 1640, signed by thirty-nine freemen: (1) reaffirmed "as formerly hath been the liberties of the town, so still, to hold forth liberty of conscience"; (2) established a boundary line between the Providence and Pawtuxet lands; (3) provided for grant of title in fee simple to proprietors by deeds from the town; (4) set up compulsory arbitration to quiet disputes. Fortnightly town meetings gave way to quarterly meetings. Other matters covered by the agreement were public arbitration of cases involving private damages, this to avoid disturbance of the public peace by reprisals for revenge; general assistance by pursuit of offenders, with punishment for needless hubbub; and payment by each proprietor into the common town treasury of the balance remaining unpaid of the thirty shillings purchase price of home lots. The arrangement reduced itself practically into handling routine business by committee, with the provision for appeal by any freeman from any act of the disposers; in this there scarcely was the delegation of power that distinguishes representative government from direct government. The reaffirmation of "liberty of conscience" was significant; the new freedom in Providence might occasion disturbance, but those who had experienced soul liberty was not willing to abandon the "lively experiment."

**THE SOURCE OF AUTHORITY**—Disturbances occasionally attended the enforcement of the awards of arbitrators; in one instance in which Samuel Gorton and his followers, then seeking freemanship in Providence, aided the party against whom decision had been rendered, blood was shed. Thereupon a few in Providence asked protection by the Massachusetts authorities, and were advised to submit to "some jurisdiction, either Plymouth or our own." Indeed, the legal status of government under compact without royal sanction and within the dominion claimed by the King was a matter for serious consideration. Thus, when in August, 1638, an Indian was murdered near Providence by four Plymouth colonists, and the murderers, followed by Roger Williams and a posse, were arrested at Aquidneck, Roger Williams was in a quandary as to what should be done. Should the murderers be tried at Aquidneck, where taken; or should they be tried in Providence, near the place of the crime; or was it right to send them to Plymouth, whence they had come? Roger Williams favored Aquidneck; the Aquidneck settlers favored Providence. Eventually three of the murderers, the fourth having escaped, were sent to Plymouth for trial and were hanged. Arnold, the historian, commenting upon this disposition of the matter, favored the view that the place of the crime should determine the jurisdiction for trial, following the provision to that effect in the bill of rights part of the Constitution of the United States. The essential difficulty in the matter, however, lay in the fact that the crime was committed beyond any legal jurisdiction established by royal sanction. With lawbreakers within their own boundaries Providence and Aquidneck might deal under the mutual agreements in their compacts; over lawbreakers not parties to the compacts and not submitting to the jurisdiction by entering it, their authority was more than doubtful. Had either had a royal patent, the murderers taken from places beyond any legal jurisdiction might be dealt with adequately, as are murderers at sea or pirates. The sending to Plymouth was amply justified in law, as the nearest legal jurisdic-

tion. But the incident, and others accumulating rapidly as Massachusetts displayed a disposition to meddle in Rhode Island affairs,\* indicated the need for a patent. So far as the record discloses, the initiative for the mission on which Roger Williams went to England to obtain a patent was taken by the General Court at Newport first on November 25, 1639, when Nicholas Easton and John Clarke were directed to correspond with Sir Harry Vane; and again on September 19, 1642, when a committee of ten was directed to move for a patent.

**THE GOVERNMENT AT AQUIDNECK**—The Island of Aquidneck was purchased by John Clarke, William Coddington and others with the purpose of establishing a new colony beyond the jurisdiction of any other; with the purpose in view, as it had not been at Providence, the process of achieving organization and establishing a government at Pocasset was short. Under an agreement dated March 7, 1638, nineteen freemen incorporated themselves as a body politic, thus: "We whose names are underwritten do hereby solemnly, in the presence of Jehovah, incorporate ourselves into a body politic and as He shall help will submit our persons, lives and estates unto our Lord Jesus Christ, the King of Kings and Lord of Lords, and to all those perfect and most absolute laws of His given in His holy word of truth, to be guided and judged thereby." William Coddington was elected as "Judge" on the same day that the compact was dated, the organization in this respect following Old Testament precedents among the Hebrews. The records of public meetings in 1638 and 1639 indicate an orderly, business-like procedure, including, besides provisions for laying out and assigning lots of land: (1) exclusion from freemanship and residence of persons not received "by the consent of the body" and submitting themselves to the government; (2) a requirement that every inhabitant, for the common defense, should have a musket, powder, shot, a sword, etc., at all times; (3) provision for a meetinghouse; (4) provision for a licensed inn for the entertainment of strangers with privilege granted to the innkeeper "to brew beer and to sell wines or strong waters and such necessary provisions as may be beneficial in any kind"; (5) organization of the freemen as a militia subject to call, and the appointment of sergeants and corporals; (6) the election of two treasurers; (7) the repair of roads; (8) the setting up of stocks and a whipping post; (9) the building of a jail; (10) the establishment of a plantation bakery and an assize of bread. Eight inhabitants were punished for a "riot of drunkenness" at a general meeting on September 15, 1638. Military training day was observed on November 12, 1638. On January 2, 1638-1639, three Elders were elected to "assist the Judge in the execution of justice and judgment for the regulation and ordering of all offences and offenders, and for the drawing up and determining of all such rules and laws as shall be according to God, which may conduce to the good and welfare of the commonwealth. . . . The Judge together with the Elders shall rule and govern according to the general rule of the word of God when they shall have no particular rule from God's word by the body prescribed as a direction unto them in the case." The Judge and Elders were accountable to the body quarterly, their actions "to be scanned and weighed by the word of Christ; and if to the body or any of them the Lord shall be pleased to dispense light to the contrary of what by the Judge and Elders hath been determined formerly, that then and there shall be repealed as the act of the body." Nicholas Easton, John Coggeshall and William Brenton were elected as Elders. A substantial change in the form of government had been achieved; authority thereafter vested in the hands of the Judge and Elders, subject to repeal or ratification in the quarterly meeting of the body politic.

Scarcely had the new order been achieved at Pocasset, however, when the withdrawal of Judge and Elders and other freemen under an agreement to establish a new plantation at Newport, dated April 28, 1639, left Pocasset for the time being without a government. Even the Pocasset records were carried away in the exodus from the settlement. Two days later twenty-nine inhabitants, still remaining at Pocasset, signed a new compact, as follows: "We

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\*Chapter V.



ROCHAMBEAU MEMORIAL AT WELLINGTON PARK, NEWPORT



whose names are underwritten do acknowledge ourselves the legal subjects of his majesty King Charles, and in his name do hereby bind ourselves into a civic body politic unto his laws according to matters of justice." The compact was followed by an agreement for government: "According to the true content of the foregoing, we whose names are above particularly recorded, do agree jointly or by the major voice to govern ourselves by the ruler or judge amongst us in all transactions for the space and term of one year, he behaving himself according to the terms of the same." William Hutchinson was elected as Judge, and with him eight Assistants. Provision was made for a quarterly sessions court with jury trials, judgment in cases involving less than forty shillings to be given by the Judge and Assistants. The Newport settlers made overtures for reunion with their Pocasset brethren late in 1639, and in 1640 the reunion was accomplished, Pocasset becoming the town of Portsmouth under the new government. The Pocasset and Portsmouth records, so far as they are extant and decipherable, deal with disposition of land and administration matters principally. On August 29, 1644, after Roger Williams had obtained his patent, the Deputy Governor and two Assistants who represented Portsmouth in the colony government at Newport, were given power to call town meetings at discretion, and on November 28, 1646, a quorum for town meetings was established at not less than nine. The town of Portsmouth continued, and is a prosperous, flourishing, and progressive town in the twentieth century, but the settlement at Pocasset declined. The buildings disappeared years ago, and there was in 1930 scarcely a trace of the foundations.

**THE EXODUS TO NEWPORT**—The reason for the departure from Pocasset of William Coddington, Judge, the three Elders, the Clerk, and other freemen, including John Clarke, is not given in any public record. Overcrowding at Pocasset, the reason sometimes given, is scarcely tenable. There is nothing to indicate that religious discord was the cause. Political differences, indicated in the change from the religious tone of the early Pocasset compact to the legal tone of the second compact, is contradicted by the fact that the Newport compact resembled the second Pocasset compact in being political. The most plausible explanation is economic; a careful survey of the Island of Aquidneck had revealed disadvantages in the location at Pocasset, borne out by the subsequent abandonment of the settlement, and the wonderful commercial possibilities in the splendid closed harbor at Newport. Influential men at Pocasset, leaders, as indicated by their choice for public office, resolved to withdraw and remove to the better location without delay. On April 28, 1639, they drew up and signed at Pocasset a compact, as follows: "It is agreed by us whose hands are underwritten to propagate a plantation in the midst of the island or elsewhere; and we do engage ourselves to bear equal charges, answerable to our strength and estates, in common; and that our determinations shall be by the major voice of judge and elders, the judge to have a double voice." On May 16 the new settlement, begun on April 30 with the building of a house by Nicholas Easton and his two sons, was named Newport, and the northern boundary was described as a line across the island five miles from Newport. The Judge and Elders elected at Pocasset continued to hold office. The settlement grew rapidly as other seceders from Pocasset and newcomers sought it; the records include the names of more than 100 men admitted as inhabitants within the brief period of one year. At Newport, as at Pocasset while the same men were freemen and officers, the records of meetings indicate effective organization and decisive action on the public business. Perhaps Coddington's was the firm hand that held the reins firmly over his fellow-citizens; he had been an Assistant in Massachusetts when Roger Williams was on trial, and later was to attempt to set up and maintain on the Island of Rhode Island almost monarchy with himself as king, except in name, under a life commission as a proprietary governor. For the time being in Newport he was Judge with two votes in a body of four, thus needing to convince only one of the Elders to make an effective majority. As presiding officer he had power also to put questions to vote, and to

gather up and count the votes. Coddington had among his associates as Elders, Nicholas Easton, John Coggeshall and William Brenton, all of whom had held office of some kind in Massachusetts, and John Clarke, physician and preacher, and later able representative of Rhode Island in England, and writer of the King Charles Charter of 1663. All of these were outstanding, able men, and except John Clarke, already experienced in public affairs.

That the reunion of Pocasset and Newport in 1640 was not accomplished merely by continued secession from one and accession to the other appears from an order entered at Newport on November 25, 1639, "that those commissioners formerly appointed to negotiate the business with our brethren of Pocasset shall give them our propositions under their hands, and shall require their propositions under their hands, with their answers and shall give reply unto it; and so shall return to the body a brief of what they therein have done." The report of the meeting of November 25 opens thus: "By the body politic in the Island of Aquidneck inhabiting this present twenty-fifth of the ninth month, 1639, in the fourteenth year of the reign of our Sovereign Lord King Charles," and this recognition of sovereignty was followed by an order to Nicholas Easton and John Clarke to treat with Sir Harry Vane about the obtaining of a patent from his majesty. By the same meeting it was agreed "that as natural subjects to our prince, and subject to his laws, all matters that concern the peace shall be by those that are officers of the peace transacted; and all actions of the case or debt shall be in such courts as by order are here appointed and by such judges as are deputed heard and loyally determined." Before this order was carried into effect by the setting up of judicial courts for the trial of private causes of action, as distinguished from the general court, which tended to become a parliamentary body, the achievement of reunion with Pocasset brought about another change in the general form of government. On March 12, 1640, representatives from Pocasset presented themselves at the general court, "desiring reunion," and were "readily embraced."

**REUNION OF NEWPORT AND PORTSMOUTH**—The "general court of election" on that day, pursuant to agreement reached with the Portsmouth settlers earlier, made provision for the election of a Governor, Deputy Governor, and four Assistants, the Governor and two Assistants for one town, and the Deputy Governor and two Assistants for the other town, and that the settlement to the north should be called Portsmouth. Officers to serve one year, or until their successors were chosen, were elected as follows: William Coddington of Newport as Governor; William Brenton of Portsmouth as Deputy Governor; Nicholas Easton and John Coggeshall of Newport, and William Hutchinson and John Porter of Portsmouth as the four Assistants. Robert Jeoffreys and William Balston as Treasurers, William Dyer as Secretary, Henry Bull as Sergeant, Jeremy Clarke as Constable for Newport and John Sanford as Constable for Portsmouth, completed the list of officers. Thus was the colony of Rhode Island, distinct from though including the towns of Portsmouth and Newport, organized. The name Aquidneck was changed to Rhode Island March 13, 1644.\*

\*Tradition ascribes the name Rhode Island variously to Verrazzano, a Florentine sailor in the employment of France, who visited Narragansett Bay in 1542; and to Dutch traders. Verrazzano is said to have likened Block Island to the Isle of Rhodes, thus furnishing Hezekiah Butterworth a theme for his beautiful poem, "Verrazzano."

The Dutch traders are said to have called an island near the entrance of Narragansett Bay "Rhode Eylandt," because of its rosy appearance. Whether the color was ascribed to the soil, or to the growth of wild roses and other flowering plants is less certain than the traditional use of the name Rhode Eylandt by the Dutch, though it appears that Conanicut was the island so named. Roger Williams as early as 1637 referred to what is now the Island of Rhode Island by the Indian name "Aquadneck," adding, however, "called by us Rhode Island, at the Narragansett's mouth." That this usage of the name Rhode Island applied to the island exclusively appears from subsequent events. Roger Williams obtained a charter for the Narragansett territory on March 14, 1644, under the name "Free Charter of Civil Incorporation and Government for the Providence Plantations, in the Narragansett Bay, in New England."

The island settlers, at Portsmouth and Newport, first used for the island a name variously spelled with simplified phonetic, almost poetic, license as "Aquadneck," "Aqueedneck," "Aqueethnec," "Aqueuthneck," without exhausting altogether the possibilities of actual usage or orthographic ingenuity. October 1, 1639, what was probably the first "directory" published in Rhode Island was entitled "Catalogue of such who, by the general consent of the company, were admitted to be inhabitants of the island now called Aqueedneck." Newport and Portsmouth united in 1640 for government and undertook to obtain a royal charter for "the Body

The officers of the new island government were elected annually on the Wednesday following the twelfth of March at "the general court of election," which convened alternately at Newport and Portsmouth. The general court of election included the Governor, Deputy Governor, Assistants and other officers, and such of the freemen as presented themselves. The records of early years included the names of officers and freemen in attendance. This general court of election forecasted the annual election meeting of freemen in general assembly under the Charter of 1663 until the device of proxy voting had developed into a system of state elections conducted in the towns. Parliamentary meetings of the General Court, consisting of the Governor, Deputy Governor and Assistants, were held at various times and in Portsmouth or Newport as convenience suggested, until August, 1640, when semi-annual meetings in March and September were ordered. The arrangement of meeting places to suit convenience suggested the peripatetic General Assembly of later days, and the five meeting places of the General Assembly named in the Constitution of 1842. Laws and orders passed previous to 1640 were revised by the new General Court that met in Newport on May 6, 1640; some were repealed, the others were ratified and confirmed. While this revision was similar to the modern procedure of adopting a revision and codification of statutes as a new statute, in the particular instance the action was taken to quiet questions as to succession and as to the legal status of enactments earlier than March 12, 1640, in view of the change in the government made on that day. The business of the General Court after March 12, 1640, included the routine of administrative matters that might be expected, and in addition other measures of greater historical significance. In May, 1640, a system of courts was organized, including provision for monthly sessions of trial courts with juries in each of the two towns, and quarterly sessions of the General Court as a judicial body. In August of the same year exclusive original jurisdiction of cases arising in a town was given to the trial court set up for the town, "provided that it be not in the matter of life and limb," with appeals to the quarterly sessions of the General Court. The militia was thoroughly organized, and provision was made for a public store of powder and shot in both towns.

The General Court of Elections at Portsmouth in 1641 continued in session four days from March 16 to 19. The names of four freemen appear in the record as cancelled, with the note "these four at the court of sessions, March 16, were disfranchised, and the names to be cancelled out of the roll." The first order of the General Court of Election, March 16 and 17 the following year, disfranchised the same freemen "of the privileges and prerogatives belonging to the body of this state," and directed the cancellation of their names out of the record. The persons disfranchised were associates of Samuel Gorton, who had been ban-

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*Politick in the Ile of Aquethnec.*" On March 13, 1644, the name was changed thus: "It is ordered by this Court that the island commonly called Aquethneck shall be henceforth called the Isle of Rhodes, or Rhode Island."

In the complete absence of telegraph and radio, associated press and daily newspapers, rumor of this significant action by the island assembly did not reach Roger Williams, who obtained, and the Earl of Warwick, who signed, the charter for Providence Plantations in London on the following day. They were as completely uninformed of it as were General Andrew Jackson and General Packenham of the treaty of peace already signed when they fought the battle of New Orleans. News of the treaty probably would have deterred Packenham from attacking; it certainly would not have deterred Jackson from fighting the war to a peaceful finish, and complete victory, as he did. The restoration of the Stuarts in 1660 necessitated a fresh legal establishment; wherefore John Clarke went to England to conduct negotiations for the King Charles Charter of 1663, which used the name "Governor and Company of the English Colony of Rhode Island and Providence Plantations, in New England, in America."

The Act of Independence of May 4, 1776, continued usage of the name as used in the royal charter, in the provision for the substitution for the name of the king in writs and other legal process of the name "The Governor and Company of the English Colony of Rhode Island and Providence Plantations." On July 19, 1776, the Rhode Island Senate, then called the Upper House, concurred in an act originating in the House of Deputies, referred to as the Lower House, changing the name of Rhode Island. The vote of the Senate as recorded was:

"Vote of the Lower House declaring the Title of this Government shall be 'The State of Rhode Island and Providence Plantations' was read and concurred with this amendment, that the said Act and the Act approving the Resolution of Congress declaring the United American States free and independent States be published in the next 'Newport Mercury' and 'Providence Gazette.'"

The name of Rhode Island appears as "Rhode Island and Providence Plantations" in the Constitution of the United States, which suggests the impossibility of further changes otherwise than by federal constitutional amendment.

ished from the island for contempt of the government, and subsequently joined him in the settlement at Shawomet. Perhaps the summary action of the General Court, whether it was taken in 1641 or 1642, or taken in 1641 and repeated in 1642, was intended to conclude the controversy opened by Gorton.\* There was no such change in officers as might be expected if the proceedings at this session, suggestive as they were that the freemen were in control and purposed action definitely to establish certain relations between them and their officers for the time being, might be construed as the effects of a quiet but complete revolution. The body prescribed an engagement for officers before electing them, as follows: "To the execution of this office I judge myself bound before God to walk faithfully, and this I profess in the presence of God," and it also ordered that an "oath of fidelity or some other strong cognizance" be required of all men or youth above fifteen years of age. The form of government was declared to be a "democracy." The declaration was momentous in a time in which monarchy was the prevailing world form of government, whether it be construed as merely a resolution expressing a strong sentiment or as a warning to officers, who perhaps were over zealous, that they were no more than agents and servants of the body politic. To the latter construction the declaration lends itself if complete value is assigned to the careful statement of the function of officers that follows the declaration proper. The entire order follows:

It is ordered and unanimously agreed upon that the government which this body politic doth attend unto in this island, and the jurisdiction thereof, in favor of our Prince is a Democracy or Popular Government; that is to say, it is in the power of the body of freemen orderly assembled, or the major part of them, to make or constitute just laws, by which they will be regulated, and to depute from among themselves such ministers as shall see them faithfully executed between man and man.

Whatever may have been the occasion for adopting a resolution of this type, it certainly contained an effective antidote for concentration of power in the Judge and Assistants, whose ordinance power as a parliamentary general court between sessions of the general court of elections was otherwise not limited. The General Court adopted a declaration of liberty of conscience in the following language: "That none be accounted a delinquent for doctrine, provided it be not directly repugnant to the government or laws established." At the General Court held in Newport in September following it was ordered "that the law of the last court made concerning liberty of conscience in point of doctrine is perpetuated." The orderly conception of public business on the island appeared in two orders, one to establish a record of deeds and the other to establish a record of laws and public notice thereof, as follows: "That each town shall provide a town book, wherein they shall record the evidences of lands by them improprieted, and shall also have power to give forth a copy thereof, which shall be a clear evidence for them and theirs to whom it is so granted"; and "that a book shall be provided wherein the Secretary shall write all such laws and acts as are made and constituted by the body, to be left always in that town where the said secretary is not resident, and also that copies of such acts as shall be made now or hereafter at the General Courts concerning necessary uses and ordinances to be observed shall be fixed upon some public place where all men may see and take notice of them."

A manual seal "for the state" was ordered, "the signet or engraving thereof" to be "a sheaf of arrows bound up, and in the liess or bond this motto indented: 'Amor vincet omnia.'" In this order the word "state" appeared for the second of three times in the record of this meeting; the oath of office or engagement had been prescribed for "the several officers of the state." Probably the usage was no more than the common designation of government as state; in view of the reference to the prince in the declaration of the form of government as a democracy, there probably was no forecast of the State of Rhode Island as an independent, sovereign state after May 4, 1776. The final action of this momentous gen-

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\*Chapter III.

eral court of elections was a decree establishing the nature of the legal tenure of lands at Aquidneck, as follows:

It is ordered, established and decreed, unanimously, that all men's properties in these lands of the island and the jurisdiction thereof shall be such and so free that neither the state nor any person or persons shall intrude into it, molest him in it, to deprive him of anything whatsoever that is, or shall be within that, or any of the bounds thereof, and that this tenure and propriety of his therein shall be continued to him or his or to whomsoever he shall assign it forever.

This tenure was more than fee simple with perpetual inheritance; it protected the owner of land from confiscation by the state and from sale by civil process for the payment of debt or judgment. It might even be construed to forbid trespass by public officers, and searches even with warrant. Not until enabling legislation was enacted in 1857 was it possible to enforce a judgment to collect a debt by sale of the debtor's land in Rhode Island, so long as the debtor remained within the colony or state.

The court of elections of 1642 forbade the sale of powder and arms of any kind to the Indians, and established a fine of forty shillings for a first offence, and for a second conviction a fine of "five pounds, half to our Sovereign Lord the King, and half to him that will sue for it." In September of the same year it was ordered that "the freemen of the town in these town meetings shall appoint the juries for the courts, and shall have power as well to appoint the inhabitants as freemen for that service by virtue of the tenure and grant of their lands which is freehold"; that "all such freemen that do not cohabit upon the island shall have no vote or power to transacting business in our courts"; and that "no man shall be disfranchised, but when the major part of the body entire is present." In 1641 it had been ordered that a freeman or inhabitant endeavoring "to bring in any other power than what is now established (except it be from our prince by lawful commission) shall be accounted a delinquent under the head of perjurie," and in 1642 sales to persons outside the jurisdiction were forbidden under penalty of forfeiture. At the general court of elections on March 13, 1644, it was ordered that "the island community called Aquethneck shall be from henceforth called the Isle of Rhodes or Rhode Island."

The statute of 1642 so far as it reserved a part of a fine for the king was unique as the first instance in Rhode Island in which there appears to have been any suggestion of an income for his majesty to be derived from his colonial empire. The statute including inhabitants not freemen in juries was not so much a relaxation of the distinction, as a measure whereby the responsibilities of citizenship that were onerous might be distributed. There is nothing in the record to indicate a purpose to make the jury a more popular agency in the sense of location nearer to the body of the inhabitants.

In the short space of four years the "state" of Rhode Island had established an efficient government in the form of a democracy, had assured justice through a system of courts with provision for trial by jury, had drawn clearly and distinctly a line between local government vested in town and town meeting and general government vested in the "state," had established a unique tenure of land, had conserved the rights of inhabitants while establishing freemanship as a qualification for suffrage, had organized thoroughly a militia of inhabitants for the common defence, had maintained liberty of conscience, and along with the adoption of a seal, had provided an orderly system of recording deeds and laws. The meeting of the general court of elections for March 13, 1644, is the last recorded. The patent granted for Providence Plantations on the day following authorized, if it was not an expression of the will of the Earl of Warwick, a union of the towns of Providence, Warwick, Portsmouth and Newport, which was not achieved nevertheless until 1647.

**UNION UNDER PARLIAMENTARY PATENT**—It may be doubted seriously that there was any difficulty likely to arise in government resting upon compact without royal sanction that

had not been experienced in Rhode Island before 1654, when a union of the four settlements at Providence, Portsmouth, Newport and Warwick was achieved, with Roger Williams as President. In the Providence settlement, a democracy in fact, in which government by mutual agreements reached in fortnightly meetings of masters of families had been supplemented by compulsory arbitration as a device for maintaining harmony and adjusting differences, there was scarcely sufficient authority vested in the arbitrators to enforce judgments. Power was wanting; in several instances resistance precipitated civil commotion, and in one the fact that riot and bloodshed ensued had been made a pretext by some of the inhabitants for seeking the protection of Massachusetts. While a keenly legalistic mind in Aquidneck had grasped the essential weakness involved even in the orderly government established there without sanction, as evidenced by an order in 1639 directing John Clarke and Nicholas Easton to open negotiations for a patent by correspondence with Sir Harry Vane, the problem was brought positively into focus by Samuel Gorton's denial of authority and his challenge to the General Court which precipitated his banishment from the island for contempt and sedition. In 1642 the General Court appointed a committee, consisting of seven officers and three freemen, including John Clarke, "to consult about the procurement of a patent for the island." Meanwhile Gorton's attempt to locate in Providence had occasioned violent discord, his settlement in Pawtuxet had precipitated a submission by four residents there to the jurisdiction of Massachusetts, and his purchase of Warwick and removal to Shawomet had been made a pretext by Massachusetts for armed intervention and invasion and the taking of Gorton by force as a prisoner to Boston for trial.\* There is no record to indicate that the committee of the General Court at Aquidneck chose Roger Williams to undertake a mission to England to obtain a patent; nor is there any mention in the town records of Providence of his authorization in town meeting to go to England on behalf of the northern settlement. No correspondence between Newport men and Providence men that indicates an agreement has been preserved. It should be noted that the silence of the records is not conclusive evidence that Roger Williams went to England, without authority; the records are evidence of what they mention, but they fail to mention a great many things that were done. Arnold asserts, and other historians agree, that "the movement was made by the colony of Aquidneck, Providence united in it, and Roger Williams was selected as agent." He was, because of his friendship with Sir Harry Vane, perhaps the best representative that could be chosen. Yet he went without public provision for his travelling expenses, and to raise money to pay them he sold a half-interest in Prudence Island and Patience Island, which he had purchased in 1637. Because of the edict of banishment still in force in Massachusetts, he was precluded from embarking from Boston, and sailed from New Amsterdam in June or July, 1643, for Europe. Arriving in London, he found the city and government controlled by the Parliament, and King Charles, a fugitive from his capital, fighting to recover his throne and reduce the Parliament to submission. On March 14, 1644, Roger Williams obtained for the "inhabitants of the town of Providence, Portsmouth and Newport, a free and absolute charter of incorporation, to be known by the name of the Incorporation of Providence Plantations in the Narragansett Bay in New England." Carrying what was essentially in fact if not in form a safe-conduct permitting him to land at Boston and cross Massachusetts, Roger Williams returned with the Patent, reaching Boston on September 17, 1644, and Providence a few days later. News of his approach had reached the town, and tradition records that he was greeted on the further bank of the Seekonk, and escorted thence by fourteen canoes filled with people rejoicing because of his accomplishment.

The Charter of 1644, commonly referred to as the Parliamentary Patent or the Warwick Patent, the latter because the charter was granted under the authority of the Earl of Warwick as Lord High Admiral of the domain of the King in America, described the colony as

\*Chapter V.

bounded north and east by Massachusetts, east and south by Plymouth, south by the ocean, and west and northwest by the Narragansett Indians, "the whole tract extending about twenty-five English miles unto the Pequot River and country." It recited that "divers well-affected and industrious English inhabitants of the towns" had "adventured to make a nearer neighborhood and society with the great body of the Narragansetts, which may in time by the blessing of God upon their endeavors, lay a sure foundation of happiness to all America." It granted unto the people of the towns "*full power and authority to rule themselves* and such others as shall hereafter inhabit within any part of the said tract of land, *by such a form of civil government as by voluntary consent of all, or the greater part of them, they shall find most suitable to their estate and condition;* and, for that end to make and ordain such civil laws and constitutions . . . as they, or the greatest part of them, shall by free consent agree unto; provided, nevertheless, that the said laws, constitutions . . . be conformable to the laws of England so far as the nature and constitution of the place will admit." While the words "civil government" warrant the construction sometimes placed upon them that their use precluded the establishment of theocracy and effectually guaranteed the liberty of conscience that was dear to all good Rhode Islanders, the "*full power and authority to rule themselves*" left no doubt that the inhabitants retained soul liberty in complete functioning. The Warwick Patent was unlike earlier American patents in that it did not create a commercial or trading corporation; it was purely and simply the authorization for the creation of a civil state, and remarkable for the unrestricted "*power and authority to rule themselves.*" It remained for the people themselves to put the patent completely into effect by organizing a government under its provisions, but that was found to be most difficult.

The fact that Roger Williams obtained a charter for Rhode Island under the name of Providence Plantations is probably the most convincing evidence that he did not go to England as the agent of Aquidneck. A man of his character, constantly shaming his avaricious associates by sacrifice of everything save his conscience, and generous to the extent of distributing what was his own that they might quarrel among themselves rather than with him, would not have asked that the name chosen by himself should be applied to the new colony. While the men of Aquidneck may have been chagrined that the name of Providence Plantations was given by the patent, their resentment for that reason alone is scarcely sufficient to explain their attitude of indifference if not hostility to the new order. Two other reasons existed—Coddington's almost insatiable hunger for power and authority, and interference by Plymouth. The former had established himself securely in the government created by the reunion of Newport and Portsmouth; he had weathered the gentle revolution that had produced the declaration of March, 1641, that this "body politic is a democracy with power of the body of freemen to make or constitute just laws." A union with the pronounced and primitive democracy at the north meant more restriction. So early as August 5, 1644, he sought alliance secretly with Massachusetts or Plymouth, writing thus to Winthrop: "Now the truth is I desire to have such alliance with yourselves or Plymouth, one or both, as might be safe for us all, I having these in trust on the island. . . . I want counsel and strength to effect what I desire. . . . Bury what I write in deep silence." Massachusetts for the time being hesitated to initiate action so clearly defiant of the home government as would be a union with Aquidneck, and Coddington was advised to subject himself, which would place the responsibility upon him. Then Coddington hesitated. Plymouth, on the other hand, asserted a claim to Aquidneck which had been negatived in 1638, and sent an agent to make a house-to-house canvass on the island against acceptance of the patent. Such negative action lay within the authority granted "*to rule themselves*"; it would place the responsibility for failure on Aquidneck rather than Plymouth.

**THE BOGUS NARRAGANSETT PATENT**—Eventually Massachusetts entered the field, setting up a claim to Providence under an extension of the Massachusetts patent alleged to have

been obtained on December 10, 1643, and sent to Boston in 1645. Known as the Narragansett Patent, negotiations for it had been conducted in London by Rev. Thomas Welde and Rev. Hugh Peters. It bore the signatures of nine members of the colonial board associated with the Earl of Warwick, which was less than a majority of the eighteen members. Warwick subsequently denied that it ever had been before the board,\* a statement that warrants the assumption that the patent, if not a forgery, had been presented to members of the board individually for signature, a practice sometimes resorted to in defiance of the law that a board has no power to act except as a body when in session. Massachusetts no doubt would have made a more vigorous effort to enforce the Narragansett Patent had the shrewd and unscrupulous men in control of the government there had reasonable assurance that the instrument was valid. A message sent to Rhode Island requesting the people to "forbear the exercise of government" under the charter had elicited an answer, drafted at Newport August 6, 1645, and signed "The Colony of Providence Plantations, Henry Walton, Secretary," which repeated the familiar declaration of liberty of conscience, and asserted a right to act under the patent.

First, a civil government we honor, and earnestly desire to live in, for all those good ends which are attainable thereby, both of public and private nature.

This desire caused us humbly to sue for a charter from our mother state. Not that formerly or now we approve and honor not your civil state and government, but as we believe your consciences are persuaded to govern our souls as well as our bodies, yourselves will say we have cause to endeavor to preserve our souls and liberties, which your consciences most necessarily deprive us of, and either cause great distractions and molestations to us at home or cause our farther removals and miseries.

Thirdly we cannot but wonder that being now found in the possession of government from the same authority, unto which you and we are equally subject, you should desire us to forbear the exercise of such a government without an expression from that authority directed to us. . . .

We see not how we may yield ourselves delinquents and liable to answer in your country, as your writing to us seems to impart, while we cast not away such noble favor and grace unto us.

The letter announced a purpose to seek counsel and advice in England. The assertion of a right resting upon the Narragansett Patent was made by Massachusetts in a letter addressed to Roger Williams under date of August 27, 1645, as follows:

We received lately out of England a charter from the authority of the High Court of Parliament bearing date November 10, 1643, whereby the Narragansett Bay and a certain tract of land wherein Providence and the Island of Quidny are included, which we thought fit to give you and our other countrymen in these parts notice of, that you may forbear to exercise any jurisdiction therein, otherwise to appear at our next General Court, to be holden on the fourth day of October, to show by what right you claim any such jurisdiction; for which purpose yourself and others your neighbors shall have free liberty to come, stay and return, as the occasion of the said business shall require.

The tone of the letter sent to Roger Williams was altogether too mild in tone to be consistent with a well-founded right and the vigorous action usually taken by Massachusetts to make might suffice where right was wanting. The reply by Roger Williams was so adequate to the situation as to terminate the correspondence; Massachusetts did not answer his letter, nor urge seriously thereafter a claim under the Narragansett Patent.

What happened in Rhode Island between September, 1644, and May 19, 1647, for the most part is matter for conjecture, resting upon other sources of information, and these fragmentary, than records. The letters signed for the "Colony of Providence Plantations assembled at Newport August 9, 1645," by Henry Walton, "Secretary," is suggestive that an organization was in existence on that date. Samuel Gorton, in 1646, wrote: "With all expedition an orderly and joint course was held, for the investing of the people into the power and liberties thereof unanimously, for the exercise of the authority, in the execution of laws,

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\*Two Rhode Island Colonial Records, 1621.

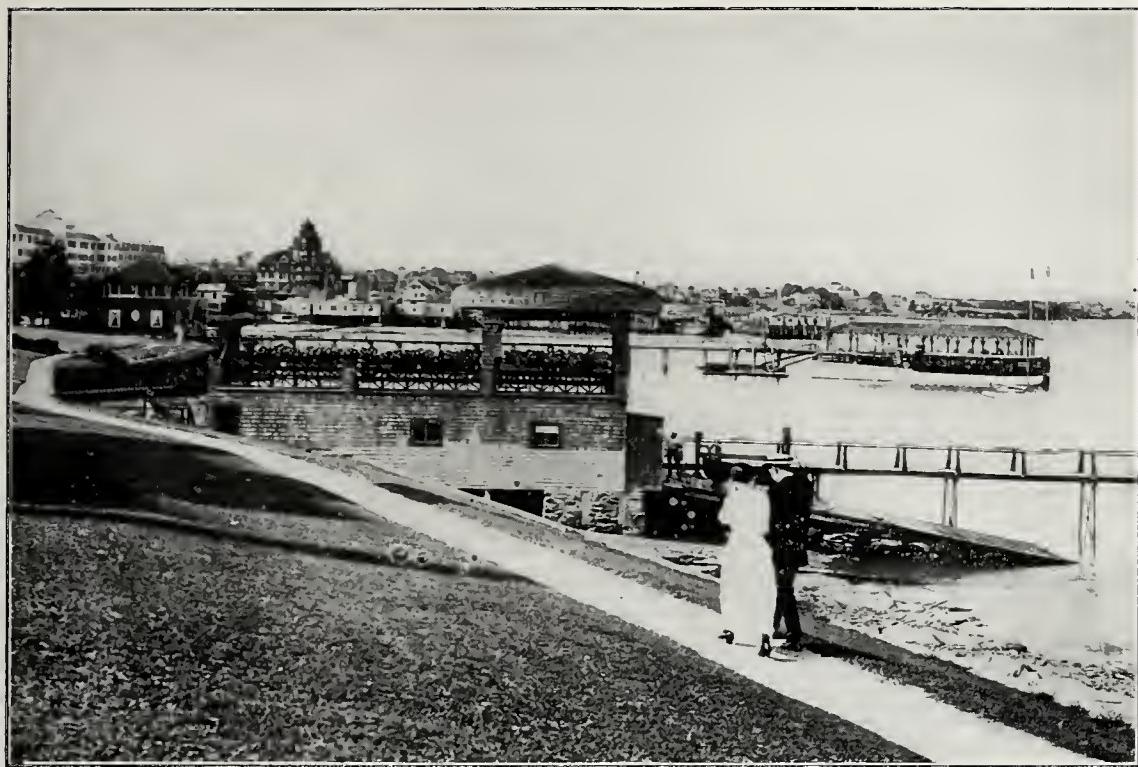
for the good and quiet of the people, which thing gave great encouragement unto the planters, to go on in their employments, hoping to enjoy their lawful rights and privileges without disturbance, which the Massachusetts, together with Plymouth, understanding, they go about by all means to discourage the people, by their endeavoring to weaken and invalid the authority of the Charter in the eyes of the country." Gorton's statement that the planters were encouraged to go on with their employments refers to himself and his associates, who left their temporary domiciles at Aquidneck and returned to Shawomet as soon as the charter was granted. His reference to "an orderly and joint course" may indicate either an orderly procedure in preparation for the achievement of an organization, or assuming the possibility of error in a word, not unusual in view of the license with respect to spelling that is characteristic of documents of the period, and that the correct rendering is "an orderly and joint *court*," that at least a preliminary organization had been achieved. The latter construction, that is that "an orderly and joint court was held" agrees with the fact that may be assumed from the signature to the letter of August 9, 1645; a reference by Roger Williams to himself as the "chief officer" of the colony, and a reference to "commissioners" in a letter written by Coddington to Winthrop November 11, 1646, which contains the following: "The commissioners have joined them (referring to Gorton and the Shawomet men) in the same charter, though we maintain the government as before." Who were the commissioners, and by what authority did they function if there was not at least a preliminary organization? The letter of Coddington indicates that he, in pursuance of his wish for association with Massachusetts, and others with him were holding out, and delaying a perfected organization. This was postponed until 1647.

THOROUGH ORGANIZATION IN 1647—That careful preparation for the General Court of 1647 had been made by commissioners or committees is evidenced by the elaborate code of laws adopted. Complete in the sense of comprehensiveness, discreet in the sense of selection or omission of subjects relevant or irrelevant to frontier colonial conditions, reinforced with citation of English statutes, this code was not the casual product of a general meeting of freemen. Further evidence that the code had been prepared in advance appears in the vote taken early in the meeting at Portsmouth "that we do all own and submit to the laws, as they are contracted in the bulk, with the administration of justice according thereto, which are to stand in force till the next general court of elections, and every town to have a copy of them, and then to present what shall appear therein not to be suitable to the constitution of the place, and then to amend it." There is also evidence that, while an agenda had been outlined, the program had not been prepared in advance with so much certainty that it required only ovine ratification. The instructions given by the town of Providence to ten freemen chosen to represent the town in a committee meeting of ten from each town at Newport on May 18, the day preceding the General Court, indicate that much remained to be determined. The ten freemen were given full power and authority "to act and vote for us respectively or otherwise as if we ourselves were in person for the settling of this General Court for the present, and for the composing of it into any figure for the future, as cause shall require"; to vote in the choice of general officers; to continue as ten representatives if ten should be the number chosen for each town, or to reduce the number by selection amongst themselves if a smaller number should be agreed upon. The town of Providence also instructed its representatives as to certain things wished by the town, thus: (1) a true copy of the Charter; (2) government by the common law so far as it was adaptable to conditions, "desiring to hold a correspondence with the whole colony in that model that hath been lately shown unto us by our worthy friends of the island"; (3) local autonomy in town affairs; (4) freedom in the choice of town officers, with clear definition of the jurisdiction of general and town officers; (5) an exact and orderly way for appeals to the General Court; (6) "that each town should

have a charter of civil incorporation, apart, for the transaction of particular affairs." These instructions were signed by Roger Williams as moderator. Associated with him as representatives were Gregory Dexter, William Wickenden, Thomas Olney, Robert Williams, Richard Waterman, William Field, John Green, John Smith and John Lippitt.

The general court of election "for the colony and province of Providence" of 1647 was held at Portsmouth on May 19, 20, 21. John Coggeshall was chosen as moderator, and it was found that the "major part of the colony was present, . . . whereby there was full power to transact." The General Court on this occasion was in fact a general assembly of freemen. Advantage of this was taken by an agreement that all "should set their hands to an engagement to the charter," as evidence that it had been accepted by the body of freemen. In view of the likelihood of departures under the circumstances of so large a gathering in a small town, it was agreed "in case the assembly depart unto the number of forty, those forty shall stay and act as if the whole were present and be of as full authority," and later it was ordered "that none shall go out of the court without leave; or if any do depart he shall leave his vote behind him, that his power remain, though his person be absent." It was planned that the general court of election should continue to be an annual general assembly, with provision for proxy voting, thus: "Further, it is agreed, that forasmuch as many may be necessarily detained, that they cannot come to the general court of election, that then they shall send their votes sealed up unto said court, which shall be as effectual as their personal appearance." Other meetings of the General Court were to be by delegates chosen in the towns as "a committee for the transaction of affairs there . . . and such as go not, may send their votes sealed." This and the arrangement for the general court of election annually on the first Tuesday after the fifteenth of May, "if wind and weather hinder not," indicate a respect for personal convenience and a recognition of the difficulties of travel along the waterway that connected the otherwise widely separated settlements. The request of Providence for the common law, as already adopted on the island, was granted, and Warwick was admitted to the same privileges as Providence.

Officers were elected by paper ballot as follows: John Coggeshall of Newport, as President; Roger Williams of Providence, John Sanford of Portsmouth, William Coddington of Newport, and Randall Holden of Warwick, as Assistants; William Dyer of Newport, as General Recorder, and Jeremy Clarke of Newport, as Treasurer. The engagement of officers was unique in that it omitted swearing by oath, pledged the officer not only to fulfill the duties of his office but also not to exceed them, and was reciprocal in the sense that the officer's engagement was followed by a pledge of the freemen to support him in the faithful performance of his duties, thus: "You, A. B\_\_\_\_\_, being called and chosen unto public employment, and the office of \_\_\_\_\_, by the free vote and consent of the inhabitants of the Province of Providence Plantations (now orderly met), do, in the present Assembly, engage yourself faithfully and truly to the utmost of your power to execute the commission committed unto you; and do hereby promise to do neither more nor less in that respect than that which the colony authorized you to do according to the best of your understanding." "We, the inhabitants of the Province of Providence Plantations being here orderly met, and having by free vote chosen you \_\_\_\_\_, to public office and officers for the due administration of justice, and the execution thereof throughout the whole colony, do hereby engage ourselves to the utmost of our power to support and uphold you in your faithful performance hereof." The omission of an oath from the engagement is attributed to Roger Williams, rather than to Quaker influence; it sustained one of his contentions in Massachusetts. The emphasis upon the officer's obligation not to exceed his legal power and not to usurp authority, and the reciprocal engagement by freemen to support him are characteristic of the extraordinary exemplification of the original type of democracy fashioned at this General Court. The initiative and referendum, devices used in only the most advanced form of popular government even in



ALONG THE WATERFRONT, LOOKING NORTH, JAMESTOWN



THE OLD EIGHT-WINGED WINDMILL, NEAR NEWPORT



the twentieth century, were ordered, though not named, in the plan for government outlined at Portsmouth.

The popular initiative appears in the provision that "a case" might be propounded, agitated and fully discussed in town meeting and concluded by vote; copies sent "to the other three towns, who shall agitate the case likewise in each town and vote it, and collect the votes." The votes were to be certified to a committee of the General Court for canvass and counting, who "finding the major part of the colony concurring in the case, it shall stand for a law till the next General Assembly of all the people, then and there to be considered whether any longer to stand yea or no." A general court consisting of six men of each town freely chosen, also could initiate a proposal "for the public ideal and good of the whole," and "fully debate, discuss and determine the matter among themselves," and send it for referendum to the towns. The votes on such propositions taken in the towns were to be sealed up and sent to the General Recorder "who, in the presence of the President shall open the votes, and if the major vote determine the case, it shall stand as a law till the next General Assembly, then and there to be confirmed or nullified."

Other matters of general colony welfare determined at this meeting included: (1) Provision for general trial courts and quarterly session courts; (2) the adoption of a "seal of the province," to be an anchor; (3) adoption of admiralty laws, called "the Laws of Oleron"; (4) an order for the raising of £100 to repay Roger Williams for his expenses involved in procuring the charter; (5) the placing of detached settlements under the jurisdiction of the towns, as follows: Prudence Island with Portsmouth, trading houses along the Bay with Newport, Pawtuxet to choose Providence, Portsmouth or Newport; (6) subjecting Dutch, French and other aliens, and English residing among them, to customs and duties on articles imported, except beaver, and excluding them from trade with the Indians; (7) forbidding the sale, gift or delivery of arms to Indians, or the repair of Indian guns by residents. With reference to the four towns the General Court ordered: (1) Town councils in each, consisting of six men; (2) town officers, including town surveyors of highways in each to mend roads and record the export of cattle, viewers of goats and swine slaughtered to record the "earmarks"; (3) organization and discipline of the militia; (4) engagement of town officers by the general officer (Assistant) in the town; (5) copies of laws and orders for the towns.

The body of general laws adopted was preceded by a compact signed by the freemen, which, in spite of its brevity, might be considered a Constitution and Bill of Rights. Some of the more significant provisions follow:

We do jointly agree to incorporate ourselves, and so to remain a body politic . . . . and therefore do declare to own ourselves and one another to be members of the same body, and to have right to the freedom and privileges thereof by subscribing our names to these words following:

We, whose names are here underwritten, do engage ourselves to the utmost of our estates and strength, to maintain the authority and to enjoy the liberty granted to us by our charter, in the extent of it according to the letter, and to maintain each other by the same authority in his lawful right and liberty. . .

It is agreed, by this present assembly, thus incorporate, and by this present act declared, that the form of government established in Providence Plantations is Democratical, that is to say, a government held by the free and voluntary consent of all or the greater part of the free inhabitants.

And now to the end that we may give, each to other (notwithstanding our different consciences touching the truth as it is in Jesus, whereof, upon the point we all make mention), as good and hopeful assurance as we are able, touching each man's peaceable and quiet enjoyment of his lawful right and liberty, we do agree unto, and by the authority above said, enact, establish and confirm these orders following:

That no person in this colony shall be taken or imprisoned, or be disseized of his lands or liberties, or be exiled, or any otherwise molested or destroyed, but by the lawful judgment of his peers, or by some known law, and according to the letter of it, ratified and confirmed by the major part of the General Assembly lawfully met and orderly managed.

That no person shall (but at his great peril) presume to bear or execute any office that is not lawfully called to it, and confirmed in it; nor though he be lawfully called and confirmed, presume to do more or less than those that had power to call him, or did authorize him to do.

That no Assembly shall have power to constitute any laws for the binding of others, or to ordain officers for the execution thereof but such as are founded upon the charter and rightly derived from the General Assembly lawfully met and orderly managed.

That no person be employed in any service for the public administration of justice and judgment upon offenders, or between man and man, without good encouragement and due satisfaction from the public, either out of the common stock or out of the stocks of those that have occasioned his service; that so, those that are able to serve may not be unwilling, and those that are able and willing may not be disabled by being overburdened. And then, in case a man be called unto office by a lawful assembly and refuse to bear office, or be called by an officer to assist in the execution of his office and refuse to assist him, he shall forfeit as much again as his wages would have amounted unto, or be otherwise fined by the judgment of his peers, and to pay his fine as forfeiture, unless the colony or that lawful assembly release him. But in case of eminent danger, no man shall refuse.

. . . . To the end that we may show ourselves not only unwilling that our popularity should prove (as some conjecture it will) an anarchy, and so a common tyranny, but willing and exceedingly desirous to preserve every man safe in his person, name and estate; and to show ourselves in so doing to be also under authority by keeping within the verges and limits prescribed us in our charter . . . . we do agree . . . . to make such laws and constitutions so conformable, etc., or rather to make those laws ours, and better known among us; that is to say, such of them and so far as the nature and constitution of our place will admit.

Thereafter followed definitions of crimes and statements of penalties. While some of the penalties would be classified as "cruel and unusual" in this twentieth century, certain alleviations were introduced. Thus, petty treason did not involve an attaint of blood nor forfeiture of land, the familiar "The father to the bough, the son to the plow" exemption in Kent being adopted. Assault and battery were punishable, and yet "a father, master, schoolmaster, keeper, may with moderation correct those that are under them." The code included so much of the statute of frauds as required contracts "of great amount" to be in writing and witnessed; indentures of apprenticeship or service to be recorded; avoiding fraudulent conveyances to cheat creditors; transfer of title to land by bargain and sale, written, indented, sealed and enrolled in town meeting or before the town council, and recorded. The novelty of the latter procedure lay in the public enrollment, which practically added a public announcement and record in the town procedure to the modern requirement of recording with evidence of title. Acknowledgment before a notary public or justice of the peace replaces the older procedure before town meeting or town council. Debts could be recovered by action of debt, with seizure of goods, lands or debts for the payment thereof; in default of tangible assets a schedule of installment payments was to be arranged, but no debtor was to "be sent to prison, there to lie languishing to no man's advantage, unless he refuse to appear or stand to their order." Marriage was made a civil contract, the banns to be published in two several meetings of the townsmen, and confirmed before the head officer of the town and entered in the town clerk's book. Provision was made for probate of wills and administration of intestate estates.

The General Court also adopted a code of laws dealing with the organization of the government, and lawful procedure. A court of trials for the whole colony, consisting of the President and Assistants, was established, its jurisdiction including trial of cases involving serious crimes, cases certified by town councils as "weighty," cases between town and town, or between residents of different towns, and matters not assigned to towns. The colony officers were to be chosen annually by paper ballot. "For President, Recorder, Treasurer and Sergeant, each town shall present one; . . . . for Assistant each town shall present two." A majority elected in each instance, except that, as the Assistants were chosen one for each town, the person named by the town having the greater vote was elected. Each Assistant

was a justice of the peace for his town, with power to suppress disturbance, and quell riot or unlawful assembly; he was also a town coroner. The Recorder anticipated the modern Secretary of State; he was archivist and keeper of records, with direction to keep the original purchase deeds, the charter and other important documents "in a strong chest having four several locks annexed thereto, and that each town keep a key thereof, that so, as there is a common right and interest therein, there may be no access to them in a divided way (lest also they be divided) but with a common consent." The Recorder was also clerk of the court. The Treasurer's duties included collecting and holding the revenues and reporting receipts to the General Assembly. The Sergeant, required to be "an able man of estate," performed the functions of a sheriff.

Indictment or presentment by a grand jury of twelve or sixteen "honest and lawful men" must precede trial for any capital or infamous crime. For jury service the townsmen were required to choose and send to the General Court "three of the most sufficient and least suspicious persons," the panel to be complete and available for examination by persons interested four days before the session; and it was ordered that jurymen "be chosen by neither old men above seventy years, nor mean men, nor such as have a charter of exemption, nor an inditor, nor interested in the deliverance of an indictee." Jury service was limited to men "clearly worth forty pounds" in colony trials; to men "clearly worth twenty pounds" in town trials. Challenges of jurymen were permitted, and panels were filled up "by such among those that stand about or that live in the same town." The practice of drawing jurymen from court loiterers (tending to become professional jurymen) was abolished subsequently in Rhode Island and in some other states. Appearance in court might be personal or by attorney, who might be the pleader's own attorney or one of two "discreet, honest and able men for understanding chosen by the townsmen of the same town and solemnly engaged by the head officer thereof not to use any manner of deceit to beguile either court or party." Court procedure included pleading by declaration and plea or demurrer until an issue was joined, and then a trial on the issue. The trial court was ordered, "as that which adds to the comely and commendable order of the court," to assemble and sit in the public session at eight o'clock in the morning. The eleven o'clock assembly of the Rhode Island Supreme Court in the twentieth century follows a time schedule to accommodate attorneys, thus: Municipal police courts, eight o'clock; district courts, nine o'clock; Superior court, ten o'clock; Supreme court, eleven o'clock. An attorney may be excused by a lower court for attendance upon the session of a higher court. The General Assembly had the right to impeach and try officers of the colony and the towns. The island of Rhode Island, and the two island towns were granted "full power and authority, either jointly or apart, to constitute such particular orders, penalties and officers as may more nearly concern either town apart, or the island jointly." The General Assembly also established a table of fees for courts and officers.

The outstanding provisions in the work of this remarkable General Court of 1647 were: (1) the declaration that the form of government is "democratical," that is held by the free and voluntary consent of all; (2) the guarantees of liberty and property; (3) insistence on the letter of law in the definition of crimes; (4) insistence upon the charter as a limitation upon the legislative power, forecasting the Constitution as "the supreme law of the land"; (5) omission of an oath from the engagement of officers, and provision for "solemn profession" as a substitute for oath in testimony; (6) provision for the initiative and referendum; (7) the protection of liberty of conscience in these words: "These are the laws that concern all men, and these are the penalties thereof, which, by the common consent, are ratified and established throughout the whole colony; and, otherwise than thus which is herein forbidden, all men may walk as their consciences persuade them, everyone in the name of his God. And let the Saints of the Most High walk in this colony without molestation in the name of Jehovah, their God." The organization was workable, the system of laws was essentially

complete. In its achievements the General Court of Providence Plantations for 1647 has seldom been equalled, and scarcely, if ever, excelled. But the difficulties that beset this unprecedented program for democracy were not yet all of the past. Democracy is the most difficult and complex form of government; the immediate future held fresh difficulties in store for the Democratic colony incorporated at Portsmouth.

**WEAKNESS OF CONFEDERACY**—The second general court of election, held at Providence on May 16, 1648, was prophetic of the storm that was gathering and soon to burst. Of the officers declared elected by the votes of those present and by proxy, only two were present and took the engagement prescribed. William Coddington had been elected as President. Against him charges were pending, and he, with William Balston, who had been elected as Assistant from Portsmouth and who also was absent, were suspended for failure to present themselves and clear themselves of the accusations against them. Under an order that in the event of the death or absence of the President, the Assistant elected for the same town from which the President was chosen should become Acting President, Jeremy Clarke, who had been elected as Assistant from Newport and also as Treasurer, for the time being held three offices. Roger Williams, elected as Assistant from Providence, was absent. He had recently removed to his trading post near Wickford, and was endeavoring there to recoup the economic losses he had incurred earlier in his unselfish and self-sacrificing devotion to the common welfare. He had not received the £100 voted at Newport the year before to reimburse him for his expenses in England. Philip Sherman of Portsmouth, elected as General Recorder, and Alexander Partridge of Newport, elected as General Sergeant, also were absent and not engaged. William Dyer, clerk of the General Court, and previously General Recorder, was continued in the latter office temporarily. Except Jeremy Clarke, all officers chosen from Newport and Portsmouth were not in attendance. Their absence did not interfere with the meeting of the General Court. For its sessions Nicholas Easton of Newport, served as Moderator and William Dyer of Newport, as Clerk. It was ordered that six men from each town should be chosen to remain after the election for the business of the General Court, others to tarry as they saw fit. From the circumstances it appeared that there was dissension on the island; the party that in Newport and Portsmouth apparently was stronger in the general election did not attend the meeting of the General Court. Some who did not agree with them attended the session at Providence. John Clarke, Jeremy Clarke, William Dyer and Nicholas Easton, who had been of Coddington's associates in the exodus from Portsmouth to Newport in 1639, were arrayed against him in 1648. They were appointed a committee to formulate the charges against Coddington and Balston and others, possibly. The nature of the charges was not disclosed by the record; it may be that Coddington's treasonable conspiracy to detach the island from the colony and annex it to Massachusetts or Plymouth had been disclosed.

At this meeting of the General Court the concluding clause in the engagement for officers "according to the best of your understanding" was interpreted as meaning "that they are not or shall not vary from the letter of their commissions by any equivocal expositions." The corresponding clauses in modern engagements read "faithfully and impartially and to the best of my ability." It is possible that the charges against Coddington, who had been elected as Assistant at Newport, arose from a heterodox interpretation of his duty under the clause "according to the best of your understanding." Provision for filling vacant offices by succession was made in the instances of the President, General Recorder and General Sergeant. Towns were ordered to call town meetings for the election of town officers within ten days, and freemen were named in each town except Providence to call the meetings. The laws adopted in 1647 were continued without amendment to the end of the next session of the General Court or until repealed. The colony requested permission to use the Newport prison

as a colony prison. Attention was given to correspondence with Massachusetts. Rules of order for the General Court were adopted as follows:

The moderator shall cause the clerk of the assembly to call the names of the assembly.

The moderator shall appoint every man to take his place.

All matters presented to the assembly's consideration shall be presented in writing by bill.

Each bill shall be fairly discussed, and if by the major vote of the assembly it shall be put to a committee to draw up an order, which being concluded by the vote, shall stand for an order throughout the whole colony.

The moderator shall put all matters to vote.

Every man shall have liberty to speak freely to any matter propounded yet but once, unless it be by leave from the moderator.

He that stands up first uncovered shall speak first to the cause.

The moderator by the vote of the assembly shall adjourn or dissolve the court, and not without, at his great peril.

He that shall return not to his place at the time appointed shall forfeit sixpence.

They that whisper or disturb the court, or useth nipping terms shall forfeit sixpence for every fault.

Conjecture as to the cause of the dissension brewing in the colony is almost idle in view of the silence of the record. Coddington and Partridge in September, 1648, sent a written petition to the commissioners for the United Colonies, as follows: "That we, the islanders of Rhode Island, may be received into combination with all the united colonies of New England in a prime and perpetual league of friendship and amity; of offence and defence, mutual advice and succor upon all just occasions for our mutual safety and welfare, and for preserving peace amongst ourselves, and preventing as much as may be all occasions of war and difference, and to this our motion we have the consent of the major part of the island." The petitioners were advised to submit to the jurisdiction of Plymouth. In January, 1648-1649, Coddington and his daughter sailed for England, the former to return later with a commission as Governor for life.

At a special General Assembly at Warwick in March, 1649, Roger Williams was elected as Deputy President in succession to Coddington, and town charters were granted to the four towns. Of the business transacted no record has been preserved; the information indicated above was derived from other sources. Roger Williams presided as moderator at the General Court held at Warwick on May 22, 1649. Officers were elected for the year and engaged. The General Court by committee investigated certain proxy votes, and the court adopted an order that "for the prevention of corruption of votes for the future that this clause be added to the former order made concerning votes, *viz.*: 'That none shall bring any votes but such as they receive from the voters' hands, and that all votes presented shall be filed by the Recorder in the presence of the Assembly during the time of the court.'" Unfortunately for the curious there were no daily newspapers in 1649, from the columns of which one might read a complete disclosure of the nature of the corruption practiced in proxy voting. Other business of a general nature established fines for failure to accept office after election, and for substitution for the person elected by the person having the next highest number of votes; ordered towns to provide jails; ordered town magistrates to sit with general officers as part of the panel in trial courts; and directed correspondence with the Pawtuxet men about their subjection to the colony.

The fourth general court of election, held at Newport, May 23, 1650, elected officers, all of whom were engaged. The General Treasurer reported no receipts during the year, and no balance in the treasury. A new office, that of Attorney General, was created and filled. The difficulty of maintaining a quorum was indicated by the vote that if six men from each town had assembled, a majority still remaining might proceed with business, and by another authorizing a delegation of less than six appearing from any town to fill the town's quota by selection from other freemen present. The assembly asserted its prerogative to be

"a judge of its own membership" by an order that it had power to suspend and replace any member tried and found not to be a "fit member." Various measures tending to put the colony in a posture of preparedness for defence were taken, including direction to towns to maintain public stores of powder and shot and muskets. Forecasting the modern comity that accords full faith and credit "in each state to the public acts, records and judicial proceedings of every other state," the General Court ordered execution on a judgment given by a Massachusetts court. Most important, as it indicated a change from direct government by assembly of the freemen to representative government, this General Court ordered each town thereafter to elect six men as members of a representative assembly "to have the full power of the General Assembly." An order adopted, "that this present election shall stand and be authentic, notwithstanding all obstruction against it," suggests the possibility of irregularity, or knowledge of Coddington's errand to England and a determination to resist usurpation.

**REFERENDUM REPLACES INITIATIVE**—The first representative assembly met on October 26, 1650, and repealed the provision for popular initiative adopted by the General Assembly of 1647. Instead it provided for legislation by the representative assembly subject to rejection or confirmation by popular referendum. Laws enacted by the assembly were to be certified by copies sent to the towns, and read in the towns in meetings called for the purpose; and "if any freeman shall mislike any law then made, they shall send their votes with their names fixed thereto unto the General Recorder within ten days after the reading of these laws and no longer. And if it appears that the major vote within that time prefixed shall come in and declare it to be a nullity, then shall the Recorder signify it to the President, and the President shall forthwith signify to the towns that such or such laws is a null, and the silence to the rest shall be taken for approbation and confirmation of the laws made." The representative court was definitely ordered to "consist of six discreet, able men, and chosen out of each town for the transacting of the affairs of the commonwealth." The quorum was established as thirteen of the twenty-four. Banishment of freemen from the colony was forbidden. Cause for divorce was limited to adultery, and then only on complaint of the injured party. Roger Williams was requested to go to England, with a promise of payment of the £100 pounds voted in 1647 and still unpaid in 1650, and an additional £100, with William Balston, John Clarke and John Warner as alternates, any two to go. John Clarke went with Roger Williams. The reason for sending Roger Williams on this mission was the wish to obtain a confirmation of the Parliamentary Patent, a measure made necessary by the aggressive meddling policy pursued by Massachusetts and Plymouth.\*

**THE WRECK OF THE CONFEDERACY**—The storm portended had burst, the fate of the colony of Providence Plantations hung in balance, and the crisis called for prompt and vigorous action. The organization of a government under the Charter of 1644 had been delayed for three years, partly by international dissension and partly by interference from without. When in 1647 a union was achieved, it was harmonious only temporarily; within a year harmony had given way to discord that threatened the destruction of the government. The patience and good judgment of earnest supporters of the "lively experiment" in democracy bridged the chasm that yawned as most of the officers elected in 1648 neglected to qualify; the situation was vastly more difficult in 1650. In the course of three years from 1647 to 1650 the initial venture with pure democracy resting upon an assembly of all the freemen annually in general court, which was both elective and parliamentary, with popular initiative and popular referendum both in complete operation, had been modified. The general assembly had been replaced by a representative assembly; the popular initiative had been abandoned, and the referendum had been retained in the form of a popular veto upon acts of the representative assembly. Though these changes conformed theoretically to a progressively

\*Chapter V.

evolutionary series, they made possible the destruction of the General Court and the dissolution of the union of settlements under the colonial charter. The General Court was helpless when it faced after 1650 a situation that had been remedied easily in 1648. While freemen attended the General Court at discretion as members of a popular assembly, the freemen present from each town being recognized as the town's representatives, there need be no failure to hold a general court while any reasonable number of colony-minded freemen assembled. Thus the situation in 1648, when, with one exception the officers elected from Newport and Portsmouth were not in attendance and did not qualify, was adjusted, there being enough freemen from Newport present at the session at Providence to elect both Moderator and Clerk from Newport and give the General Court a Newport complexion, in spite of the disaffection of many residents of the island. But when, after 1650, the General Court consisted of six freemen from each town, chosen in town meeting as the town's representatives, and thirteen present were necessary to make a legal quorum, it lay within the power of two of the four towns to paralyze the General Court by refusing or neglecting to choose and send delegations. Newport and Portsmouth did not send representatives in 1651. This defect in the representative assembly is characteristic of confederacies. The Confederation that fought the Revolutionary War through to a finish was destroyed ultimately by the indifference of the member states, and their failure to elect delegates to Congress; the union purported to be perpetual. It lies within the power of the states of the Federal Union to destroy Congress, first, by failure to elect Senators and Representatives, and the Union itself eventually, by destroying Congress. Only an ardent love for the Union resting upon vigorous national patriotism saved the United States from division in the war between the states. In 1650 there was no similar ardent love for the colony wherewith to save Providence Plantations. The General Court of October 20, 1650, marked the end of the first union between the town settlements of Providence, Portsmouth, Newport and Warwick. The union was not to be reestablished until 1654, when Roger Williams was elected as President.

**CODDINGTON USURPATION**—William Coddington was not first citizen of the Island of Rhode Island in 1647, for the first time since the original settlement had been made at Pocasset in 1638. He had been elected as Judge, the highest office, under the compact signed before the settlement, and continued to hold that office at Newport after the exodus in 1639, and until in 1640 Pocasset and Newport reunited, and Coddington was elected as Governor of the island. In 1647 John Coggeshall of Newport, was elected President of the Colony of Providence Plantations, with Coddington as Assistant from Newport. Although Coddington was elected as President in 1648, charges were pending against him and he did not qualify by engagement. He had been seeking alliance or union with Massachusetts or Plymouth; his purpose was not announced when he sailed for England in January, 1649. Two years later, on April 3, 1651, he obtained from the Council of State a commission as proprietary governor of the islands of Rhode Island and Conanicut for life. In the interval between the granting of the Patent for Providence Plantations and the issuing of Coddington's commission, King Charles I had been beheaded, the House of Lords had been abolished, the Commonwealth had been established, and the Council of State had become the executive administrative agency in England. Perhaps the incongruity of Coddington's commission and the Parliamentary Patent may be explained as arising from the confusion attending rapid changes in the government of England; perhaps the almost utter ignorance in England of American geography may excuse an oversight in the failure to identify the island of Rhode Island with the island of Aquidneck mentioned in the earlier Parliamentary Patent; certainly Coddington was not innocent of misinterpretation. It was alleged by his contemporaries, and probably was true, that in England he claimed the island of Rhode Island by right of discovery and purchase from the Indians. The original deed from Miantonomah and Canonicus had named "William Coddington and his friends," and of this deed Coddington always had maintained pos-

session. News of his purpose reached Newport, even before it was certain that he had been successful, and this aroused some of the island people to the urgent need for action. However much they might dislike association with the northern settlements, that was vastly preferable to the loss of liberty under a proprietary governor, practically a monarch. Forty-one inhabitants of Portsmouth and sixty-five of Newport urged John Clarke to go to England to obtain an annulment of Coddington's commission. For once north and south felt somewhat the enthusiasm of a mutual interest and common enterprise. Providence and Warwick were raising money to hasten the departure of Roger Williams on his mission for confirmation of the Parliamentary Patent; Newport was interested in the annulment of Coddington's commission. William Arnold of Pawtuxet, claiming subjection to Massachusetts, lost no time in informing the authorities there of the popularity of the subscription in Warwick and Providence, of £100 quickly raised in Warwick, and generous contributions by Providence freemen. Roger Williams and John Clarke sailed from Boston for England late in 1651, after experiencing some difficulty in obtaining permission to pass through Massachusetts, Williams because of the edict of banishment of 1635, and Clarke because he was *persona non grata* after the episode of his arrest with Crandall and Holmes in 1651.\* They presented a joint petition to the Council of State, which was referred on April 8, 1652, to the committee on foreign affairs. An order permitting the colony to proceed under the charter, pending a decision, was entered, the news of this preliminary victory being conveyed in a letter from Roger Williams, which was received in September. On October 2, 1652, the Council annulled Coddington's commission. Roger Williams and John Clarke remained in England. William Dyer brought the good news to the colony.

While Newport and Portsmouth interposed no violent obstruction to the government set up by Coddington, the latter found the situation there not altogether to his liking. Perhaps the most able and influential men on the island had united in the petition for annulment of Coddington's commission carried to England by John Clarke. These avoided open conflict with the proprietary Governor, but he knew full well their opinions and appreciated their resentment. That he undertook to mollify them appears in his written acknowledgment under date of April 14, 1652, that he was not the sole purchaser of the island, but only one of eighteen purchasers with equal right, and his promise to deliver the original Indian deeds. The acknowledgment was recorded at Portsmouth, April 7, 1673, and supplemented by another statement at Newport, September 27, 1677, and recorded February 11, 1705. When news of the annulment of his commission reached America, Newport and Portsmouth resumed popular government of the island and conducted negotiations with Providence and Warwick which resulted ultimately in the complete renewal of colonial government in 1654. The bitterness so relentlessly continued by Massachusetts against those who resisted her government was not characteristic of Rhode Island. The records from time to time indicate the return to office of men against whom charges were preferred, some of whom had been convicted. In the instance of Coddington, he was returned by Newport as a freeman with the list for 1655; he was one of the commissioners for Newport attending the colony court in 1656; he was formally forgiven on March 17, 1656, by the court of commissioners, who ordered a letter sent to John Clarke in England declaring their "good desires and apprehensions conceived from Mr. Coddington's demonstrations of good affection to the government, as also of our own satisfaction generally in the colony." The letter went on to recite a wish that the government in England might abate further proceedings against Coddington, "since the evils ensued upon the distraction of those troublesome times are removed from us, and breaches amongst us are partly composed, and in a way of composing to the good and comfort of all parts of the colony and the establishing of peace and love among us." Coddington had merited hanging for treason; yet Rhode Island pardoned him. Roger Williams was modera-

\*Chapter V.

tor. The spirit that had guided him, following persecution and banishment by Massachusetts, to plead her cause in the council of hostile Indians,\* was still alive in Rhode Island; and with it a marvellous respect for the opinions of a man, that could concede to Coddington, even after treason, a pardon and expression of love. Of this page in the history of the colony Rhode Islanders may well be proud. Twice under the Charter of 1663 Rhode Island elected William Coddington to be Governor. He died in office as Governor on November 1, 1678.

There was no May meeting of the general court of election in 1651. Coddington's commission was effective, and no representatives were elected in Newport or Portsmouth. On November 4, 1651, six freemen from each of Providence and Warwick, calling themselves commissioners rather than representatives, met as a joint committee and adopted a resolution that, whereas, the Governor, Nicholas Easton of Newport, "hath of late deserted his office, and he, together with the two towns upon Rhode Island, *viz.*: Portsmouth and Newport, have declined and fallen off from that established order of civil government and incorporation amongst us, by means of a commission presented upon said island by Mr. William Coddington, we, the rest of the towns of the said jurisdiction, are thereupon constrained to declare ourselves . . . embodied and incorporated as before." No colony officers were chosen at the November meeting. Samuel Gorton presided as moderator, and John Greene, Jr., was clerk. The reorganization contemplated an assembly consisting of six freemen chosen in each town. A letter was sent to Philip Sherman of Portsmouth, late General Recorder, demanding of him surrender of the colony records in his possession. Orders regulating pleading and procedure in trial courts, and defining the jurisdiction of town courts and colony court were entered.

A general court of election was held at Warwick, May 18, 1652, with Samuel Gorton as moderator. A President, one Assistant each for Providence and Warwick, General Recorder, Treasurer and Sergeant were elected. The session continued three days, the business being principally a revision of practice and procedure in trial courts. The Dutch residents were forbidden to trade with the Indians, and one of the first laws forbidding slavery was enacted. Negro slavery and white binding to service were limited to ten years, except in the instance of persons under fourteen years of age, when slavery or bondage ended at age twenty-four. In October, 1652, it was ordered that no "foreigners, Dutch, French or any other nation shall be received as a free inhabitant in any of the towns" or permitted to trade with the Indians without the general consent of the colony. Slander, oral detraction or defamation, was defined as a tort, for which a civil action for damages might be maintained; it was not made a crime, a course that would have sustained a public prosecution. The Assembly spent six days late in December, 1652, trying Hugh Bewitt, the first colony Attorney General, then an Assistant from Providence, who was accused of high treason against the power and authority of England, but found the evidence against him not sufficient to warrant conviction. At the same time, on the objection of Warwick, it retracted so much of a letter sent to Roger Williams as suggested that he have himself appointed Governor for a year following his return from England, while a reorganization was undertaken. Providence Plantations did not wish a dictator, much as it was troubled with solving the perplexing problems of democracy. The last day of this session fell on Christmas Day; there was no adjournment, however, the holiday notwithstanding. Similarly the session of the General Assembly that ordered a convention to consider ratification of the Constitution of the United States ended on a Sunday; the absence of a member, who was a clergyman, on that day produced the tie, which was broken by an affirmative vote by the Governor.

REVIVAL OF CONFEDERACY—Early in 1653, following the receipt from England of news that Coddington's commission had been revoked, action was taken by the northern towns and the southern towns, separately, looking toward a readjustment. The northern towns pro-

\*Chapter IV.

ceeded on the assumption of legitimate succession by continuance; from this point of view Newport and Portsmouth might be readmitted. On the other hand, Newport and Portsmouth, as the major fraction of the severed colony, invited Providence and Warwick to join with them. About February 16, 1653,\* William Dyer delivered in Providence and Warwick a letter signed by John Sanford, William Balston, John Porter and William Jeffries, inviting the northern towns to send representatives to a meeting to hear read letters and orders of direction alleged to have been dispatched by the English Council of State by Dyer as messenger. On February 25, 1653, the General Assembly, meeting at Pawtuxet, drew up an answer, and designated Gregory Dexter, Hugh Bewitt, Stukely Westcott, and John Townsend as messengers to deliver it on the island, and to conduct further negotiations for a joint meeting of six commissioners from each town to consider reuniting if that were approved by the letter from the Council of State. On March 1, 1653, "the colony," this time the southern towns, assembled at Portsmouth, and ordered all officers "that were in place when Mr. Coddington's commission obstructed should stand in these places to act according to their former commissions upon the island; and the rest in the colony according as they have been annually chosen, until a new election," which was ordered for May 17. The papers received from the Council of State were ordered delivered to Nicholas Easton, who had been elected President in 1650. The messengers appointed at Pawtuxet in February reported in March that they had been unable to obtain a reply from Newport or a copy of the letter or order of the Council of State. This was carefully guarded at Newport. Negotiations failed to achieve a joint meeting of commissioners with power to act, and in May, 1653, two general courts of election were held in Rhode Island, and the colony for the ensuing year had two Presidents and two each of other officers, one set acting in the northern towns and the other set in the southern towns.

The General Court at Providence elected Gregory Dexter as President. The General Assembly at Newport resolved "that this present assembly do conclude that they are a lawful assembly and have power to act in election and the affairs of the colony." John Sanford was elected President. A vote that "if Providence and Warwick be pleased to act with us they may have liberty to choose the general officers for their towns" (Assistants) was repealed, when certain Providence and Warwick men appeared at the meeting on the second day; then Thomas Olney was chosen as Assistant for Providence and Randall Holden as Assistant for Warwick. Aside from the possibilities of further differences foreshadowed by the organization of two distinct governments, it happened that the colony policy with reference to the war with Holland, already underway in Europe, was radically different and bound to arouse conflict. The northern policy was defence and a stoppage of commercial intercourse, intended to operate as an embargo on supplies for the Dutch. The southern policy was aggressive. It contemplated aid for English residents of Long Island against the Dutch to the extent of sending cannon and other arms, and permitting volunteering on the island of Rhode Island; the setting up of prize courts, and the commissioning of privateers. The northern General Court protested against this action of the southern General Assembly, and gave warning of a complaint to be made to England. There is reason for believing that the danger of losing the colony to the Dutch because of divergent policies within was not without effect in producing the emphatic action taken by the home government in England to bring about a reunion. Sir Harry Vane wrote a letter under date of February 8, 1654, pleading for composition of differences for the sake of the liberty granted by England.

There was no General Assembly of the northern towns in 1654. At a General Assembly on the island a President and other officers were elected, and a committee of eight, two from each of the four towns was chosen "for the preparing a way of some course concerning our dissenting friends." The Assistant for Providence was directed to visit Roger Williams,

\*The dates as given in the printed Colonial Records are misleading and at least two entries are not in chronological order.

should the latter return from England, to receive "what orders are by him sent to the colony." On August 31, 1654, an agreement for reunion was concluded and signed by six commissioners on behalf of each of the four towns. It provided that the proceedings of towns separately and jointly in the interval from Coddington's commission to the reunion should remain each "on their own account," and that the General Court or General Assembly, except for elections, should thereafter consist of six commissioners chosen by each of the four towns. A committee to revise the general laws of the colony was appointed and a special court of election was ordered for September 12, 1654, the officers to serve until the annual election in the following May. Roger Williams, who had returned from England, was elected President of the reunited colony, almost exactly ten years from the date of his landing in Boston with the Charter for Providence Plantations granted on March 14, 1644. At a meeting of the court of commissioners at Portsmouth in 1655, a letter from Oliver Cromwell under date of March 29, 1655, was read, directing the colony to proceed under its charter. Government under the charter continued without interruption for nine years, from 1654 to 1663, when King Charles II granted Rhode Island the Charter under which the colony and state were to govern themselves until 1842. As might be expected the turbulent democracy of Rhode Island, which, in the words of Gregory Dexter, had "long drunk of the cup of as great liberties as any people that we can hear of under the whole heaven," and had "not known what an excise means," and had "almost forgotten what tithes are; yea, or taxes, either to church or commonwealth," was not reduced to complete harmony in 1654; it never has been. There was internal discord enough after 1654 to uphold Rhode Island's reputation for maintaining "a lively experiment." And, besides, there were perplexing problems arising from relations with Indians and with neighboring colonies\* to intrigue the interest of the freemen and other inhabitants.

The meeting of August 31, 1654, ordered an enrollment of the names of freemen, that is, inhabitants who had been admitted to political privileges. The lists returned by the towns in 1655 showed ninety-six in Newport, seventy in Portsmouth, forty-two in Providence, and thirty-eight in Warwick. For several years thereafter the records of meetings of the general court of election included the names of freemen admitted to the colony, indicating that a procedure had been established whereby persons who were made "free of the towns" did not attain colony freemanship until accepted by the General Court. There was no census or enumeration for the period, which would show what proportion of the population had been admitted to freemanship. It may not be assumed that the lists of freemen included all heads of families. There were, besides the freemen, large numbers of young men in the communities not admitted to freemanship; many who were "inhabitants" without political privileges; and also many who were bound out to service according to the practice of the period, whereby a debtor might become a bondservant to repay his debt. No doubt also many who reached the colony had become bondservants to repay their passage money across the Atlantic Ocean. There were also large numbers of servants, both men and women, the former not admitted to freemanship. The numbers of freemen by towns indicate that Newport was the largest town, and that Portsmouth was larger than Providence and Warwick. In view, however, of the fact that there appears to have been no rule for admission to freemanship, and no standard qualification, there may well have been so much difference in attitudes as to make the figures somewhat misleading; the greater wealth in the island towns may have produced a tendency toward aristocracy there which would effect a reduction in the proportion of freemen in total population. Besides that, the greater individual wealth probably would increase the number of servants. That Newport was the wealthiest town is shown by the apportionment of general levies when the colony undertook to raise taxes. A new engagement for officers was prescribed in 1654 in this form: "You . . . do . . . engage yourself faithfully and truly to the utmost of your power to execute the commission committed unto you, and do hereby

\*Chapters IV and V.

promise to do neither more nor less in that respect than that which the colony have or shall authorize you to do." Amendments in 1655 and 1661 did not change the form in essential particulars. The general court of election met annually on the Tuesday following the fifteenth day of May in successive years by turn in Providence, Portsmouth, Newport and Warwick. Town election meetings for choosing the six commissioners from each town who made up the parliamentary General Court, were held annually on the first Tuesday in May. Laws passed by the General Court were still subject to veto by referendum of the freemen. While the records contain nothing that would indicate the annulment of any law by the referendum process, the freemen clung tenaciously to this procedure for curbing their parliamentary representatives. Perhaps the referendum had a more salutary effect as a preventive rather than a corrective. The referendum law of 1650 was revised in 1658 and again in 1660. The amended law of 1658 required the sending of copies of laws to the towns within ten days after the adjournment of the court, and allowed ten days for the publishing of the laws in the towns and the discussion of them. "And in case the free inhabitants of each town, or the major part of them do in a lawful assembly vote down any law, and seal up the votes and send them to the General Recorder within the said ten days, and that by the votes it doth appear that the major part of the people in each town have so disallowed it, then such a law to be in no force." The amendment literally required a majority in each of the four towns against an act to nullify it. In 1660 a further amendment was made, which extended the time for the referendum to three months, and permitted the majority of the free inhabitants of the colony to veto the law, thus: "As also we further enact that it appearing by the return of the votes that the major part of the free inhabitants of this colony have disapproved or disannulled any such law or laws, then the said law or laws to be of no force; although any one town or other should be wholly silent therein."

Political changes taking place in relatively rapid succession in England were reflected in the style of issuing writs and other court orders. Up to 1654 writs were issued "under the title of the liberties of England," etc. From 1654 to 1659 writs and other process were issued "in the name of his highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, and dominions thereto." In 1659 the form was again changed to read in the name "of the supreme authority of the Commonwealth of England," and in 1660, following the Restoration "in his royal majesty's name." In 1776 the act declaring Rhode Island's independence substituted for the name of the King on writs "the English Colony of Rhode Island and Providence Plantations." In 1655 an oath of allegiance to the government of England was ordered administered to all inhabitants. Four courts of trial were held annually, one in each of the towns. Portsmouth and Newport were permitted to conduct local courts jointly or separately as suited their convenience; similar permission was given to Providence and Warwick. The laws were revised in 1654, and "the general bulk of laws that were in force for this colony at the time of Mr. Coddington's commission was brought to Rhode Island" were declared to be in force until repealed by a court of commissioners. Towns were ordered to provide prisons in 1654; the order was repeated two years later, and in 1658, as in the matter of courts, reciprocity between Newport and Portsmouth, and between Providence and Warwick in maintaining prisons was permitted. For the first time taxes were mentioned in the colonial record for 1655, when the General Court of commissioners was authorized to order general taxes from time to time and apportion them to the towns; the towns to make the rates and collect the taxes. For the purpose of suppressing factions, it was ordered in 1655 that the "ringleader or ringleaders of factions or divisions amongst us" be sent to England for trial and punishment there. No one ever was sent.

Roger Williams in 1655 undertook negotiations with Massachusetts for the release of the Pawtuxet men from subjection to that colony. There were then only four families involved, those of Stephen Arnold, who wished release; Zachariah Rhodes, who was techni-

cally "banished" from Massachusetts as a Baptist; and William Arnold and William Carpenter. Stephen Arnold and Zachariah Rhodes were among the freemen admitted from Providence in 1658. The court of commissioners offered to arbitrate differences with the Pawtuxet men, without prejudice, in 1656. William Arnold and William Carpenter, on their request, were released by Massachusetts in 1658. It is questionable whether it was the election of Benedict Arnold, son of William Arnold, as Governor in that year which shamed his father into return to Rhode Island citizenship, so much as the depredations committed upon his property by his late associate and ally, Pomham, the Indian sachem, who felt safe at last in robbing Arnold, far away from the protection of Massachusetts, and not entitled to that of Rhode Island because of his denial of the jurisdiction of the colony. The release of Pawtuxet by Massachusetts cleared the way for effective dealing with the Indians there. Pomham was ordered to remove from Warwick by the King's commissioners April 7, 1665. In 1657 Roger Williams preferred charges of treason against William Harris because of statements in a book written by Harris that Williams interpreted as anarchistic. The parties were heard on July 4, and on the report of a committee it was voted to send the book to England, with the charges, the committee finding passages in the book that were "both contemptuous and seditious." The ship carrying the papers was lost at sea. Roger Williams has been criticised for inconsistency in bringing the charge of treason against Harris, who was his lifelong "loving friend" and also his most persistent opponent in the internal affairs of the town of Providence. But it is clear from the writings of Roger Williams that his unlimited belief in soul liberty and liberty of conscience did not extend to palliation of opinions that were destructive of orderly society. Harris was a pronounced individualist; after a career in the town of Providence that marked him as perhaps the most litigious inhabitant in a period when all Providence men were as litigious almost as those good old Romans who felt that they were never good citizens when not engaged in law suits, he became an outstanding leader in the attempt to deprive Rhode Island of the Narragansett Indian country.\*

**RESTORATION IN ENGLAND AND EFFECT IN RHODE ISLAND**—Charles II was proclaimed in Rhode Island as King on October 19, 1660, and October 21 was declared a holiday, "that all children and servants shall have their liberty for that day." The court of commissioners on October 18 ordered a commission sent to John Clarke as agent and attorney for the colony to attend "unto the preservation of all and singular the privileges, liberties, boundaries and immunities of this colony." In the following year Benedict Arnold, John Greene, William Dyer, Randall Holden, Samuel Gorton, and Roger Williams were named as a sub-committee, one or two to go to England as agents of the colony. It was voted to raise £200 to pay the expense of agents in England; to demand the charter of Providence Plantations from Roger Williams, and to send it and other documents to England. With the return of Charles II to the throne, the Parliamentary Patent, unless ratified by the King, was a nullity, and Rhode Island was back once more in the position of a colony without a government resting upon the sanction of the home government. The Parliament that had granted the Warwick Patent had been in rebellion against King Charles I. From the point of view of the sovereign, all that had been done by or through the Parliamentary governments were acts of rebels. Exactly the same situation had arisen in England as was suggested with reference to the Southern Confederacy in revolt against the United States. Following the Civil War an amendment to the Constitution of the United States repudiated the debts incurred by the South, and forbade repayment by Congress or any of the states. The reason was illegitimacy. So Charles II, following the Restoration, dated the year of his own reign from the beheading of his father. Rhode Island saluted him in 1660 as in the *twelfth year* of his reign. With reference to the years intervening, while Parliament and Cromwell were in control in England, all was blank. Rhode Island needed a new charter; there was no likelihood that the new imperialist

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in the person of Charles II would underwrite a document issued by the Parliament that had driven his father from his capital, and eventually had condemned him to death. Rhode Island's course in offering to surrender the Parliamentary Patent was proper; the petition for a new charter presented by John Clarke as Rhode Island's agent was also in order.

John Clarke, who had gone to England as agent for inhabitants of the Island towns to present their protest against the Coddington commission and to procure its revocation, remained in England. Besides practicing his profession as physician, he continued to represent the colony of Providence Plantations as occasion demanded; correspondence passed regularly between him and the officers of the colony. In 1656 he procured and sent to the colony four barrels of powder and eight barrels of shot and bullets, for which he was thanked; the assembly undertook to raise £100 to repay him. The colony also placed £200 at his disposal while he was conducting negotiations for the Charter of 1663, and ordered repayment of all his expenses and a further grant of £100. He may or may not have received the money; in 1676, just before his death, John Clarke claimed £400 as still due and unpaid. The colony experienced difficulty in collecting the levies laid on the towns for general colony purposes. The colony courts were sustained principally from the fees paid by litigants.

John Clarke presented two letters to his majesty's council on behalf "of the purchasers and free inhabitants of Rhode Island and of the colony of Providence Plantations on the Narragansett Bay in New England." In the first letter he recited that the petitioners "were necessitated long since for cause of conscience, with respect to the worship and service of God, to take up a resolution to quit their dear and native country," and had emigrated to America and established a state on the basis of compact in the midst of the aboriginal inhabitants. He continued to relate the obtaining of a charter, and the setting up of government under it, and the colony's prompt proclamation of the return of the King to his throne, as evidence of their loyalty. He prayed that "under the wing of royal protection" they might "not only be sheltered, but caused to flourish in civil and religious concerns in these remote parts of the world." The letter was in the language of the period, with so much flattery for his majesty as to indicate the able diplomacy of John Clarke, though he was much more democrat than royalist. The second letter, while repeating much of the recital of fact and episode in the first letter, concluded with a prayer incorporating language that subsequently was repeated in the Charter: "And have it much in their hearts (if they may be permitted) to hold forth a lively experiment that a flourishing civil state may stand, yea, and best be maintained, and that among English spirits, with a full liberty in religious concerns, and that true piety rightly grounded upon gospel principles will give the best and greatest security to true sovereignty, and will lay in the hearts of men the strongest obligations to truer loyalty." John Clarke asked for "a more absolute, ample and free charter of civil incorporation, whereby under the wing of your royal protection, we may not only be sheltered, but (having the blessing of the Most High superadded as from former experience we have good grounds to expect) may be caused to flourish in our civil and religious concerns in these remote parts of the world, so shall your servants take themselves greatly obliged, while they are quietly permitted with freedom of conscience to worship the Lord their God, as they are persuaded, to pray for the life of the King, even that he may live for ever and ever." Both letters are remarkable for the emphasis placed upon religious liberty and liberty of conscience. The idea was not novel to King Charles II; he had been restored to the throne of England and Scotland following the proclamation of Breda, in which he had promised his British subjects complete religious toleration. Under date of July 8, 1663, John Clarke received from the King for Rhode Island the most liberal charter, civil and religious, ever granted by a monarch to his subjects. It established a republic in the Narragansett Bay country, with forms of government so democratic that no change of them was needed following the Rhode Island Declaration of Independence on May 4, 1776, to com-

plete a sovereign, independent republican nation, and none was needed to make Rhode Island, through ratification of the Constitution of the United States, a state in the Federal Union meeting in every detail the requirement of "a republican form of government."

**THE CHARTER OF 1663**—The Charter of 1663 recited that the petitioners for it, "purchasers and free inhabitants of our island, called Rhode Island, and the rest of the colony of Providence Plantations, . . . . pursuing, with peaceable and loyal minds, their sober, serious and religious intentions of godly edifying themselves, and one another, in the holy Christian faith and worship, *as they were persuaded*; together with the gaining over and conversion of the poor, ignorant Indian natives . . . . to the sincere profession and obedience of the same faith and worship did . . . . transport themselves out of this kingdom of England into America, but also, since their arrival there, after their first settlement amongst other our subjects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon some of those our subjects not being able to bear, in these remote parts, their different apprehensions in religious concernments, and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and . . . . did transplant themselves into the midst of the Indian natives, . . . . where, by the good Providence of God, from whom the Plantations have taken their name, upon their labor and industry, they have not only been preserved . . . . but have increased and prospered, . . . . ; they having by near neighborhood to and friendly society with the great body of the Narragansett Indians, given them encouragement of their own accord, to subject themselves, their people and lands, unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors be laid a sure foundation of happiness to all America." The charter continued: "And, whereas, in their humble address, they have freely declared, that it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty. . . . and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalf," we "have therefore thought fit, and do hereby publish, grant, ordain and declare, that our royal will and pleasure is, that no person within the said colony, at any time hereafter shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others, any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding; . . . . and to create and make them a body politic or corporate, with the powers and privileges hereinafter mentioned."

The charter then made certain petitioners "and all such others as now are, or hereafter shall be, admitted and made free of the company and society of our colony of Providence Plantations, . . . . a body corporate and politic, in fact and name, by the name of the Governor and Company of the English Colony of Rhode Island and Providence Plantations, in New England, in America." The Charter granted complete, corporate powers, authorized a common seal, and outlined a form of government thus: "There shall be one Governor, one

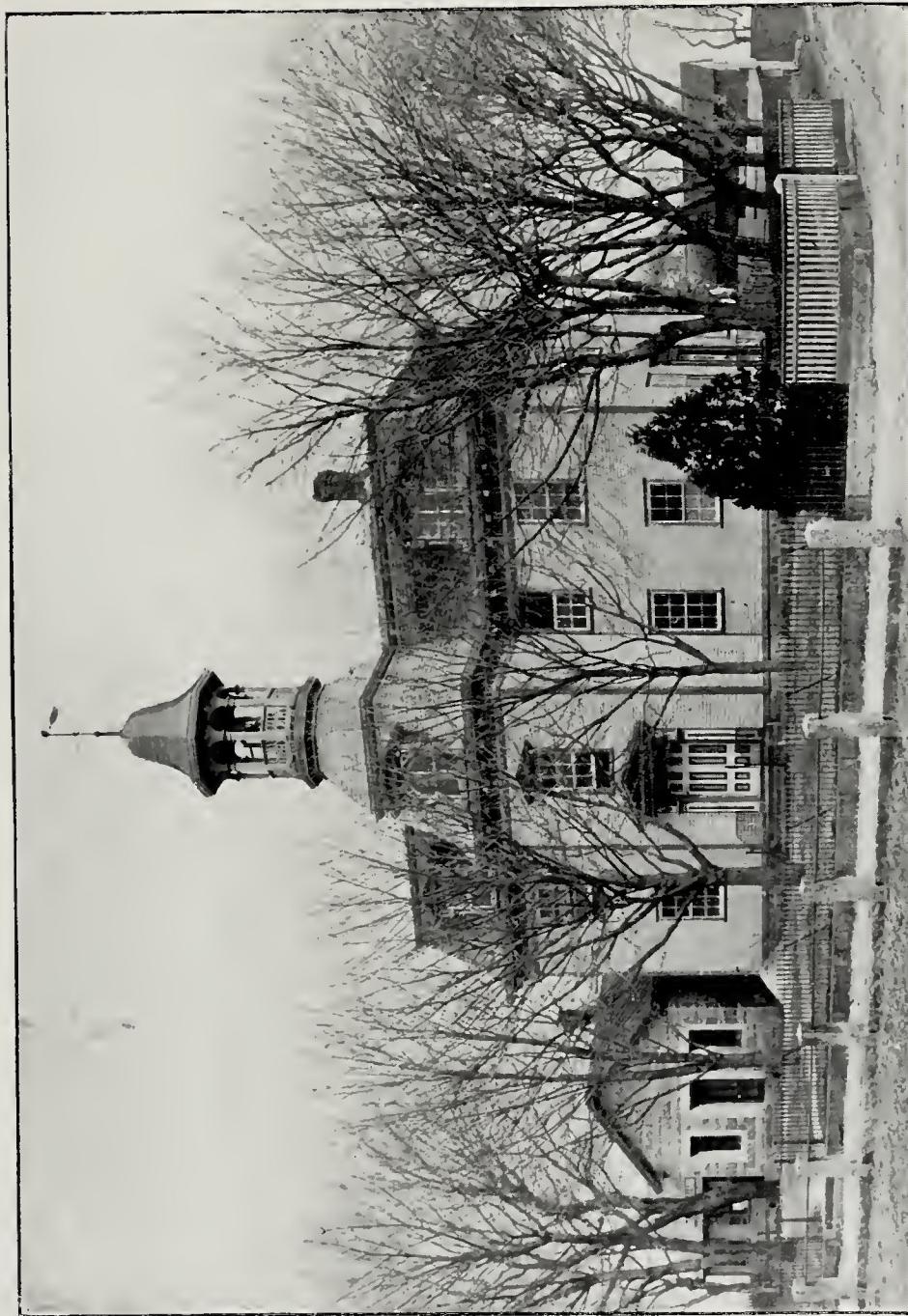
Deputy-Governor and ten Assistants, to be from time to time, constituted, elected and chosen, out of the freemen of the said company, for the time being, in such manner and form as is hereafter in these presents expressed, which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of . . . . the plantations thereof, and the government of the people there. And, . . . . we do . . . . appoint . . . . Benedict Arnold to be the first and present Governor of the said company, and . . . . William Brenton to be the Deputy-Governor, and . . . . William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, to be the ten present Assistants of the said company, to continue in the said several offices, respectively, until the first Wednesday which shall be in the month of May now next coming." The Governor, and in his absence the Deputy-Governor, was authorized to call the company together from time to time to conduct the business and affairs of the company. Semi-annual meetings were ordered, thus: "Forever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall be requisite, the Assistants and such of the freemen of the said company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth and Warwick, and two persons for each other place, town or city, who shall be, from time to time, thereunto elected or deputed by the major part of the freemen of the respective towns or places for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said company and plantations."

The meeting of Governor, Deputy Governor, Assistants and freemen was designated "the General Assembly," with power and authority (1) to change the time and place of meetings; (2) to admit freemen; (3) to elect and commission officers; (4) to make laws, statutes, orders and ordinances, "so as such laws . . . . be not contrary and repugnant unto, but as near as may be, agreeable to the laws of . . . . England, considering the nature and constitution of the place and people there"; (5) to erect courts of justice; (6) to regulate and order the way of elections to office; (7) to prescribe the boundaries of towns or cities; (8) to establish penalties for crimes and misdemeanors; (9) to regulate trade with the Indians; (10) to establish, regulate and arm the militia. The Charter ordered an annual election to be held at Newport on the first Wednesday in May, officers to be engaged by "oath or otherwise." The company was permitted to invade the Indian country, if need be, lying within the boundaries of the colony, but not to invade the Indians lying outside; reciprocally other colonies were forbidden to invade the Indians in Rhode Island, without the knowledge and consent of Rhode Island.

The Charter preserved fishery rights for all English subjects along the coast, granted permission for emigration from England and other parts of the dominion of the King to Rhode Island, established reciprocal commercial relations between Rhode Island and the remainder of the kingdom, and granted to all subjects living and their children born in Rhode Island "all liberties and immunities of free and natural subjects within any of the dominions." The boundaries described conflicted with claims of neighboring colonies,\* and were a source of controversy for many years. The territory was granted to the Governor and company "to be holden of us, our heirs and successors as of the manor of East Greenwich, in our county of Kent, in free and common socage, and not in capite nor by knight service; yielding and paying therefor . . . . only the fifth part of all the ore or gold or silver" found. Kent was the most favored county in the kingdom, and tenure by free and common socage was the most liberal and most honored relation between King and subject known to English law, still feudal with respect to landholding. It was practically free tenancy at fixed rent, requiring no other

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OLD STATE HOUSE AT KINGSTON



service, and the rent in the instance of Rhode Island was one-fifth of precious metals that might be found. To remedy the difficulties arising from the disposition of Massachusetts to forbid certain Rhode Island people who had incurred the displeasure of the Puritan colony from passing through, the Charter made it lawful for Rhode Islanders "without let or molestation, to pass and repass, with freedom, into and through the rest of the English colonies, upon their lawful and civil occasions," and to engage in commerce with the inhabitants of other colonies.

The Charter established a republic, with a Governor and other general officers elected by the people; and a system of courts and justices created by the General Assembly. Thus the three major agencies for government—the legislative, the executive, and the judicial, although not separated in Rhode Island under the Charter—originated with the people. The lawmaking power was restricted only by the provision that legislation must not be repugnant to English law, but this restriction was minimized by the provision that permitted adaptation to the place and condition. The lawmaking power might be construed as unrestricted eventually. The Charter granted and guaranteed and safeguarded the dearest liberty of the people of Rhode Island—soul liberty and freedom to worship God according to conscience. Small wonder that the general court of commissioners on November 24, 1663, after ordering that "the letters with the broad seal thereto affixed be taken forth and read by Captain George Baxter\* in the audience and view of all the people, which was accordingly done, and the said letters, with his majesty's royal stamp, and the broad seal, with much gravity held up on high, and presented to the perfect view of the people," voted "the most humble thanks of this colony unto our gracious sovereign Lord, King Charles II of England, for the high and inestimable, yea, incomparable grace and favor unto the colony." Governor Endicott and the Council of Massachusetts had been invited to attend the joyful session of November 24, 1663, with a view to initiating better relations between the colonies, but declined the invitation. On November 25 the officers named in the new Charter, for the most part, were formally engaged, and the court of commissioners, the last under the Patent of Providence Plantations, after passing a few necessary orders to continue matters pending, adjourned sine die and forever.

**REORGANIZATION UNDER CHARTER**—The first meeting of the General Assembly under the Charter of 1663 was held at Newport, March 1, 1664. Provision was made for courts, as required in the Charter. The referendum law was repealed with others inconsistent with the Charter, but the bulk of the laws enacted under the Patent for Providence Plantations were continued. Doubt having been suggested as to whether or not the Charter limited suffrage in the election of general officers to the deputies chosen by the towns, it was voted that "the freemen have liberty, as many of them as please, to take notice of the time and place of the said election in May next, and be personally there present, to vote in the choice of election of the said chief officers." This order was confirmed at the election meeting in May, and the question of proxy voting was referred to a committee for consideration.

**ELECTION MACHINERY**—Proxy voting was authorized by the October Assembly in 1664, thus: "That each freeman desiring to vote by proxies shall subscribe their names on the outside and deliver his votes sealed up into the hands of a magistrate, in the face of a town meeting lawfully called and notice given for that purpose . . . which said votes shall be by such whom the General Assembly shall appoint opened and delivered forth as the respective choice of the several officers shall require; provided that this order shall no way prejudice or discourage any who desire to be personally present." Through the proxy law the Assembly had made a near approach to the modern type of general election conducted in town and district meetings, with an official count by the state returning board. The colony seal adopted under the Patent was continued in March, 1664, but replaced in May, 1664, by

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\*Captain Baxter brought the Charter from England.

a new seal described thus: "That the seal, with the motto 'Rhode Island and Providence Plantations,' with the word 'Hope' over the head of the anchor, is the present seal of the colony." Block Island had been included in the colony by the Charter; no objections on the part of the inhabitants being interposed, the island was admitted, freemen were received, and, in 1672, a town under the name New Shoreham was incorporated as the sixth town, Westerly having been incorporated in 1669. The twelve general officers, Governor, Deputy Governor, and ten Assistants, were apportioned to the towns, five to Newport, three to Providence, and two each to Portsmouth and Warwick. The first election meeting of the General Assembly under the Charter was held May 4, 1664, one hundred twelve years to a day earlier than May 4, 1776, when Rhode Island declared independence. A considerable part of the business of early meetings of the General Assembly related to boundaries and disputes as to the Narragansett country.\*

The Assembly in 1664 judged it "their duty to signify his majesty's gracious pleasure vouchsafed in these words to us, verbatim, *viz.*: 'That no person within the said colony at any time hereafter shall be in anyways molested, punished, disquieted or called in question for any difference of opinion in matters of religion, and do not actually disturb the civil peace of the said colony.'" A form of engagement for officers "to execute your commission, charge and office, according to the best of your skill and knowledge without partiality or affection to any, and according to the laws already established, or to be established in this colony: This engagement you make and engage to observe under the penalty of perjury," was prescribed.

**DEVELOPMENT OF BICAMERAL ASSEMBLY**—So early as 1664 the question as to whether the General Assembly created by the Charter was unicameral or bicameral was raised. "There having been a long agitation about the motion whether the magistrates shall sit by themselves and the deputies by themselves, it was resolved to remit the further agitation to the next General Assembly." In 1665 the question was again postponed, and in May, 1666, it was voted that the magistrates should sit by themselves and the deputies by themselves, and "that each house so sitting have equal power and privilege in the proposing, composing and propagating any act, order and law in General Assembly; and that neither house in General Assembly shall have power without the concurrence of the major part of the other house to make any law or order to be accounted as an act of the General Assembly." In September, 1666, the question was reopened, and postponed for further consideration to October, 1666, when it was voted that the General Assembly continue to sit as one house. On May 7, 1668, the Deputies attending a session of the General Assembly, upon motion made after organization had been completed, were permitted to withdraw for one-half hour "to consider of such affairs as they may think fit to propose for the well being of the colony"; and on the same day it was voted that "for the future the like liberty is, and shall be allowed to the Deputies if they or the major part of them shall desire it, and that in the time of their absence no act shall pass as a law." The Deputies had achieved the right to meet apart and to take council by themselves. The General Assembly continued to be unicameral, nevertheless, since action must still be taken by the body, with general officers and Deputies sitting together. The withdrawal of the Deputies permitted a caucus and agreement for concerted action if desirable.

A question essentially similar to that involving unicameral or bicameral organization was agitated in 1672. The Charter had described the General Assembly as consisting of general officers and freemen, and the quorum as consisting of "the Governor or Deputy Governor and six of the Assistants, at least to be seven." In 1672 an act, citing this provision, continued: "His majesty's wisdom doubtless deeming a major part of the people's representatives would not be wanting in such needful matters, but forasmuch as oft experience

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proves the want of such number of Deputies, *viz.*: the major part in said assembly." The act of 1672 provided that seven of the general officers and so many of the Deputies, "although there should happen not to be a major part of the Deputies," might act for the colony in emergencies, but:

Forasmuch as by the good old laws of our native country as expressed in the Petition of Rights of third of Charles First, that the subjects of his majesty's realm of England have inherited this freedom, that they should not contribute to any tax, but such as were by common consent in Parliament;

And forasmuch as the House of Commons is the people's representatives there, and the Deputies the representatives of the freemen here: Therefore, for the preventing of great and eminent dangers of pretended debts, which by some men's subtlety and others' simplicity, this colony may unjustly and undoubtedly incur, be it enacted . . . . that no tax rate from henceforth shall be made, laid or levied on the inhabitants of this colony without the consent of the Deputies present pertaining to the whole colony, as there must be a major part of the Assistants (by the Charter) nor any way bring the colony in debt by any means.

And forasmuch, as there may be great and many weighty matters respecting the King's honor here, and his subjects' greatest liberties undermined [and] subverted, by subtlety for some men's sinister ends, who most pretend the people's profit thereby, but that there may be the better observation of such designs, be it enacted . . . . that in all weighty matters, wherein the King's honor is most concerned, and the people's ancient rights and liberties most jeopardized for want of mature council, that then and at all such times and upon all such occasions, the Assembly shall be the major part of the Deputies belonging to the whole colony, as there must be the major part of the Assistants (by the Charter). But otherwise, such said act (if made without the major part of the Deputies present) shall be void and of no effect.

Substantially the act required (1) the consent of the Deputies present to any proposition involving a tax, and (2) a quorum consisting of a majority of the general officers and a majority of the Deputies for measures other than those clearly necessitated by emergency. The incorporation of Westerly, 1669, and of New Shoreham, 1672, had increased the number of Deputies to twenty-two, the general officers remaining at twelve. The act of 1672 apparently urged the right of the Deputies as representatives of the freemen; on tax measures they must be polled separately. Eventually the general officers would face a situation in which, if the General Assembly remained one body, they would be outvoted decisively by the Deputies. Separation would strengthen the general officers by permitting a majority of them to veto action of a majority of the Deputies; and vice versa. Exactly the same general causes that produced a separation of Parliament in 1341 into a House of Commons and a House of Lords, produced on May 6, 1696, a separation of the Rhode Island General Assembly into two houses, one consisting of the Governor, Deputy Governor and Assistants, and the other the Deputies as representatives of the freemen in the towns.

A ROYAL COMMISSION VISITED RHODE ISLAND—King Charles, in 1664, appointed a royal commission to investigate and report upon conditions in America, besides adjusting matters of controversy there that had been neglected during the distractions ensuing in England on revolution and Restoration. The commissioners confirmed for the time being the rights of Rhode Island settlers east of the Pawcatuck River in Westerly; designated the Narragansett country, a matter of dispute because of apparent conflict in the Rhode Island and Connecticut Charters, as the King's Province, and placed it under the administration of Rhode Island; and left the eastern boundary problem in status quo with Plymouth in possession.\* Two of the commissioners, who passed through Rhode Island on a journey from New York to Boston, were entertained royally in the Rhode Island fashion that later served the colony well on several occasions. On coming to Rhode Island the commissioners made five propositions on behalf of his majesty, which with modifications acceptable to both the General Assembly and the commissioners, were ratified as follows:

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1. "That all householders inhabiting this colony take the oath of allegiance, and the administration of justice be in his majesty's name." The General Assembly answered that the administration of justice already was in the King's name, and, in view of the colony attitude in opposition to oaths, ordered an engagement as follows: "You, A. B., solemnly and sincerely engage true and faithful allegiance unto his majesty Charles II, King of England, his heirs and successors, to bear and do obedience unto the laws established, from time to time in this jurisdiction, according to the privilege by his said majesty granted, in religious and civil concernments to this colony in the Charter; which said engagement you make under the peril and penalty of perjury." There was so much objection to this form of engagement "as too much touching on the conscience . . . whether it happen for want of understanding the scope of the terms, or by indeed seeing somewhat that is inconsistent with religious concernments," that the General Assembly in 1666, "being (as far as they can justify themselves therein) really willing to indulge men's consciences," ordered that those who preferred to do so might choose the oath of allegiance required in England, "but if any profess that there are some words in either which in conscience they cannot condescend to say or use" such person may "in words significant there declare his allegiance and submission to his majesty's government" and may "profess seriously that they resolve and engage to yield obedience." Such concession to the common man's opinions is possible only in a democracy.

2. "That all men of competent estates and civil conversation who acknowledge and are obedient to the civil magistrates, though of differing judgments, may be admitted to be freemen, and have liberty to choose and to be chosen officers, both civil and military." The General Assembly agreed to admit all who desired freemanship, upon request and suitable proof of qualifications. This agreement between the General Assembly and the King's commissioners is construed by some as the precedent for the property qualification for suffrage in Rhode Island. If the commissioners' proposition may be interpreted as a suggestion that suffrage should be restricted to "men of competent estates," then the assumption is justified in view of the nineteenth and twentieth century construction of the property qualification as a restriction upon suffrage. But the commissioners' proposition lends itself more readily to interpretation as a suggestion that freemanship ought to be bestowed reasonably upon all persons who might qualify, and not withheld arbitrarily, which was possible and permissible under the practice prevailing in the seventeenth century. From the point of view suggested by the latter assumption, the order of May, 1665, was not tantamount to the establishing of a property qualification, so much as an acquiescence to a request by the King's commissioners that the colony assume a more liberal attitude. In 1670 it was enacted that towns might elect to freemanship persons capable of public service, "although such person or persons may desire not to be made a freeman or freemen." There were slackers in the seventeenth century, as there are in the twentieth century persons who fail to qualify for suffrage, or, if qualified, neglect to vote.

3. "That all men and women of orthodox opinion, competent knowledge and civil lives, who acknowledge and are obedient to the civil magistrate, and are not scandalous, may be admitted to the Sacrament of the Lord's Supper, and their children to Baptism, if they desire it; either by admitting them into the congregations already gathered, or permitting them to gather themselves into congregations where they may enjoy the benefits of the sacraments, and that difference in opinion may not break the bonds of peace and charity." This proposal was made on behalf of communicants of the Church of England, who experienced little of tolerance in strictly Calvinistic colonies. It was not needed in Rhode Island, and the General Assembly very graciously declared, in answer to the commissioners, that the proposal conformed to Rhode Island's long established opinion and practice, thus: "As it has been a principle held forth and maintained in this colony from the very beginning thereof, so it is much on their hearts to preserve the same liberty to all persons within this colony forever, as

to the worship of God, therein taking care for the preservation of civil government to the doing of justice, and preserving each other proprieties from wrong and violence of others."

4. "That all laws and expressions in laws derogatory to his majesty, if any such have been made in these late troublous times, may be repealed, altered, and taken off." The only matters of this sort in Rhode Island were in the nature of expressions of gratefulness to the officers for the time being in control of the English government. The General Assembly assured the commissioners that the laws had been carefully revised after acceptance of the King's Charter. Pages were cut out of certain town record books for this reason.

5. "That this colony be put in such a posture of defence, that if there should be any invasion upon this island or elsewhere in this colony (which God forbid) you may in some measure be in a readiness to defend yourselves; or if need be, to relieve your neighbors according to the power given you by the King in your Charter and to us in this commission and instruction." The General Assembly ordered a thorough organization of the militia, magazines for storing ammunition, and supplies of ammunition and arms.

The report of the commissioners to his majesty was very favorable to Rhode Island, including these comments additional to a record of decisions:

This colony (which now admits all religions, even Quakers and Generalists) was begun by such as the Massachusetts would not suffer to live among them, and is generally hated by the other colonies, who endeavored several ways to suppress them. . . .

The Narragansett Bay is the largest and safest port in New England, nearest the sea, and fittest for trade.

This colony hath two scattered towns upon Rhode Island, two upon the mainland, and four small villages.

Here only yet is limestone found, and here only the Governor and magistrates serve the public at their own charges. In this colony is the greatest number of Indians, yet they never had anything allowed toward the civilizing and converting of the Indian. And in this colony they have the greatest plains, but no place of strength fortified, though many places capable of fortification.

In this province also is the best English grass, and most sheep, the ground very fruitful; ewes bring ordinarily two lambs; corn yields eighty for one, and in some places they have had corn twenty-six years together without manuring.

In this province only they have not any places set apart for the worship of God, there being so many subdivided sects, they cannot agree to meet together in one place; but according to their several judgments, they sometimes associate in one house, sometimes in another.

**FINANCIAL PROBLEMS**—In 1666 the General Assembly addressed a petition to the King, requesting English aid in fortifying Narragansett Bay; encouragement for commerce by "some ease in some measure as to taxes upon that which is imported or exported, though but for some years"; aid for schools to be maintained among the Indians; and action favorable to Rhode Island with reference to the disposition of the King's Province. The second request suggested the device familiar to the period of building up commerce by maintaining an occasional free port. In 1665 the General Assembly appointed the Governor, the Deputy Governor and John Clarke to visit Block Island "to see and judge whether there be a possibility to make a harbor, and what conveniences there may be to give encouragement for a trade of fishery."

The colony was very much concerned with the matter of revenues. There was no instance of a colony tax actually enforced before 1663. The money raised to send Roger Williams and John Clarke to England following the Coddington commission had been collected principally as contributions. Difficulty was experienced in collecting the money to cover expenses and the additional grant promised John Clarke on his return after having obtained the Charter. John Clarke, as Roger Williams had been before, was reduced to straitened circumstances, and was constrained to mortgage his estate. One reason for the financial difficulty was the want of a satisfactory medium of exchange. Indian wampum,

which had served reasonably the needs of the colony in trade with the Indians and amongst themselves, because it was accepted by the Indians in further trade, fell constantly in purchasing value, and eventually failed as a suitable currency. In the instance of general taxes the amount to be raised was apportioned to the several towns. There was almost continual bickering over the apportionments on the part of towns which complained that their shares were excessive. In some instances towns failed altogether to raise the quotas assigned; in other instances, because of the indifference of town officers, colony officers were directed to assist in collecting. The colony treasury, as a rule, was so bare of ready funds that frequently small sums needed immediately to pay the expenses of messengers and agents entrusted with colony business were raised by contributions of the general officers and Deputies gathered in General Assembly. When John Clarke was threatened with loss of his property through foreclosure of the mortgage which he had given to cover indebtedness incurred while he was agent in England for the colony, money to pay the mortgage was borrowed in part to persuade the mortgagee to wait for the balance, the colony guaranteed payment, and thereafter encountered difficulty in raising the money. General officers were paid no salaries; the fees collected in court in some part compensated them for expenses and services. Deputies could scarcely afford to serve. In 1666 an order was entered for the payment of Deputies attending the General Assembly, because their failure "hath not only exposed the colony to reproach and contempt among our neighbors, but hath extremely hazarded the loss of our Charter." Fines for failure to accept office after election, and for failure to attend sessions of Assembly and court were levied.

**DISCORD IN PROVIDENCE**—In Providence quarrels with reference to land had begun within a short time after the founding of the settlement. These disputes concerned originally three general issues: (1) The boundaries in the original deed to Roger Williams; (2) the extent of the grant of the Pawtuxet lands, and (3) the boundary line between the original grant and the Pawtuxet grant. William Harris, one of the companions of Roger Williams, appears to have been the first to oppose the liberal disposition of the latter (1) toward the Indians with reference to a construction of the deeds which saved the Indian interest, and (2) toward the later settlers with reference to granting them land for home lots and pasture at low prices. Harris was aggressive; perhaps some of the charges made against him by his contemporaries, including forgery of documents, deceit and trickery, swashbuckling turbulence and challenges to duels with guns or swords, etc., were not true, or were exaggerated. He was thoroughly disliked by many; and, yet, the fact that he was elected and re-elected to public office indicates that he must have had a host of followers. He had strong support by Quakers. His frequent appearance in the courts of the colony eventually brought censure and a request that he undertake to reach agreements in controversies rather than plague the judges with them, the court "being wearied with the incessant clamors and complaints." The discord in Providence reached the General Assembly as a parliamentary body in 1667, when eight presented themselves as Deputies to fill the four seats allotted to Providence, with credentials signed by two freemen, each claiming to be the town clerk. It appeared that on the day of election of Deputies William Harris, an Assistant, had refused the votes of certain freemen because they had not previously taken the engagement of allegiance to his majesty. Arthur Fenner, also an Assistant, thereupon administered the engagement, and as moderator presided over a meeting of the "major part of the freemen assembled." Harris charged Fenner in the General Assembly with having led a riot. The General Assembly exonerated Fenner and seated the delegation elected by the majority of the freemen. The Assembly sent a letter to Providence, explanatory of its decision, and requesting "a neighborly compliance" in spite of "what difference had formerly been." The Assembly did not censure Harris for his part in the meeting at Providence, because he claimed to have been acting under a misconception of the law. Nevertheless, for calling a session of the General Assembly to

try the charge of riot brought by him against Fenner, Harris was fined £50 to cover expenses and inconvenience, and discharged from his office as Assistant, "there being many grievous complaints against him not possible to be remitted so long as he continued in the office of an Assistant, he being very apt to take advantages against the members of this corporation, and to act in a deceitful manner, as will appear in the records of this colony." Against the fine and expulsion of Harris, William Carpenter and Benjamin Smith, both Assistants, protested. All three, Harris, Carpenter and Smith, were re-elected as Assistants in 1668, and the fine against Harris was remitted, on the advice of counsel, as a conflict with the laws of England. The conflict in Providence continued. In 1669 John Clarke was instructed to undertake to quiet the trouble there. Later in the same year two sets of Deputies were returned by Providence, carrying credentials issued by two claiming to be town clerk. Neither delegation was seated, but the General Assembly sent John Easton, Joshua Coggeshall, John Coggeshall, William Vahan, and John Sanders to Providence, with instructions to call a meeting of the freemen and attempt to adjust differences, and if that could be accomplished, to call a special election meeting. Though no report of the committee has been found, it appears that the mission was not successful. A letter from Providence addressed to the March meeting of the General Assembly at Newport reported riot and violence. Thereupon four were sent to ascertain "how many and who they are of the town of Providence that are free inhabitants of the colony and have or do take the engagement to be true subjects to the King," and to conduct an election meeting. In May, 1670, Providence was represented by Deputies, and there being a question as to which of Arthur Fenner or William Harris had been elected as Assistant, Roger Williams was chosen by the Assembly. In 1671, William Harris was elected General Solicitor. In 1672, he was arrested on a charge of treason preferred by Roger Williams, and was committed to prison without bail. He had become a Quaker, and was promptly released by the incoming Quaker administration in 1672. In the controversy with Connecticut over the western boundary line of Rhode Island\* Harris took the part of Connecticut, although continuing to hold office in Rhode Island. In 1680, sailing for England, he was captured by pirates, and died shortly after reaching England. While the followers of Roger Williams and Arthur Fenner were victorious, so far as relations with the General Assembly were concerned, the Harris principles of expansion prevailed in Providence. It was inevitable that they should, in view of the increasing population, the demand for land, and the narrow boundaries prescribed by the Indian deeds as interpreted by Roger Williams. The settlement spread out, passing the older boundary lines, as new land was taken up by freeholders. Eventually the western line was run twenty miles from the river.

POPULAR GOVERNMENT IN PRACTICE—The General Assembly opened at least each annual election session with the reading of the Charter, and continued to protect and guarantee liberty of conscience and freedom of opinion. In April, 1672, a penalty was ordered for persons found guilty of opposing the collection of taxes, or criticising the Charter, laws or General Assembly. But this assertion of "lese majesty" was short lived; in May, 1672, the earlier act was repealed as "seeming to the infringing of the liberties of the people of this colony, and setting up an arbitrary power, which is contrary to the laws of England and the fundamental laws of this colony from the very first settling thereof." In 1673 conscientious objectors were excused from military service, including training with the militia, but helden to service in removing non-combatants and property from danger. In May, 1676, the exemption was repealed. The repealing statute was repealed and the exemption restored in October, 1676. In the following year the exemption was once more repealed, the General Assembly then restating carefully its position as to freedom of conscience, thus: "This Assembly do hereby declare that it is their full and unanimous resolution to maintain a full liberty in religious concerns relating to the worship of God, and that no person inhabiting within

\*Chapter V.

this jurisdiction shall be in any wise molested, punished, disquieted or called in question for any differences of opinion in matters of religion, who do not actually disturb the civic peace of the colony." The colony apparently had learned a lesson from unpreparedness in King Philip's War. Reciting again the doctrine of liberty of conscience, the General Assembly in 1673, made Sunday a holiday "not to propagate any worship, but as to preventing debaseness," and forbade the sale of liquor on Sunday. In 1677, on petition from Sabbatarians "that the market may be removed or changed from being on the seventh day of the week, or Saturday, it not being consistent to their opinion to be then kept," the General Assembly "not finding it necessary to remove or change the said market, held on Saturday, do see cause and order that a market may likewise be kept on every Thursday." The form of engagement for general officers adopted in 1677 follows: "You . . . . do solemnly engage true allegiance unto his majesty, . . . . to bear, and in your said office equal justice and right to do unto all persons, both poor and rich within this jurisdiction, to the utmost of your skill and ability, without partiality, according to the laws established in this said jurisdiction, according to the Charter, as well in matters military as civil. And this engagement you make and give upon the peril of the penalty of perjury." The colony was generous. It remitted forfeitures freely, and in the instance of crimes carrying capital punishment as well as escheat, it restored the estate to the families if it appeared that they were without means. Although the incidents of King Philip's War affected opinion with reference to the Indians, and brought all Indians under suspicion, no harsh measures beyond careful watching and punishment for proved offences were undertaken. When Indians were on trial in the colony court juries were drawn to include six Indians and six white men. Indian slavery was forbidden; Indian bondmen were limited to nine years' service. In relations with the sachems extreme care was taken not to offend the dignity of the latter.

In 1677, the colony undertook to promote the establishment of a new town, the seventh, to be located at East Greenwich, in the Narragansett country. To encourage settlement town lots of ten acres each were offered to fifty freemen, with right to ninety acres west of the compact village.

The government in 1677 was republican as it conformed to the principle of representation, but democratic in fact as it emphasized the right of the freemen to veto the acts of the General Assembly by reversing party control through the ballot box. If and when the General Assembly ventured to enact a measure distasteful to the freemen, the General Assembly following the next election lost no time in repealing the obnoxious law. The officers included a Governor, Deputy Governor, ten Assistants, and other general officers, all elected in General Assembly by the freemen, those who found it inconvenient to attend the election meeting at Newport sending in their ballots by proxy. The ballots were deposited "in a hat" and counted in the presence of the Assembly. The parliamentary General Assembly exercising legislative powers included the Governor and Deputy Governor, the Assistants, of whom six must be present to make the quorum; and Deputies elected by the freemen in the towns. By statute it had been established that the quorum for all laws except emergency measures must include either the Governor or Deputy Governor, six Assistants and a majority of the Deputies. Tax measures were invalid unless voted by a majority of the Deputies present. Local courts were organized in the towns, but matters of weight were tried in judicial colony courts consisting of members of the General Assembly. There was no separation of powers. Indeed the frequent meetings of the General Assembly were necessitated by the combination of executive, legislative and judicial powers in one agency; and the business included executive orders, laws, and the entry of judicial decisions. The annual election meeting of the General Assembly was held at Newport on the first Wednesday in May, and other meetings of the General Assembly were held in October and at other times by adjournment or on the call of the Governor, as the nature of the business from time to time indi-

cated convenience. The meetings were held usually in private houses or taverns; the record of an election meeting refers to the use of the kitchen as a place for counting ballots. The General Assembly was closely in contact with the people. For many reasons it was fortunate that the men who were prominent in the original settlements for the most part lived through the first forty years of the colony's history, were almost continuously in public service through office holding, and adhered very rigidly to the fundamental principles early established.

A SUMMARY—"This little commonwealth, whose area is 1085 square miles, is of all the American states that which has furnished the most abundant analogies to the republics of antiquity and which best deserves to have its annals treated of by a philosophical historian," wrote Bryce in "The American Commonwealth." There is scarcely a period of forty years in history that equals in variety of experience and that will repay so well earnest examination by students of democracy as will the story of Rhode's Island political development from 1636 to 1677. In 1636, town government in fortnightly town meeting by mutual agreement was begun in Providence. Mutual agreement yielded to majority rule, *in civil matters only*, and, as attendance on town meeting became onerous, administration by agents and compulsory arbitration were set up, both subject to examination by the freemen in quarterly meeting. In 1638 a government by judge and elders, resembling Old Testament Hebrew practice, was established at Pocasset. Within two years two political governments had emerged from this, and a state government styled a democracy had superseded both. In 1642 Rhode Island, then consisting of four towns, all carrying on government based on compacts, was constrained principally by the necessity for defence against neighbors, to seek a charter. Rampant individualism, strong local community interests, and jealousy, perhaps, delayed a satisfactory organization under the Charter for ten years after the granting of it. Meanwhile Rhode Island experienced most of the difficulties that beset confederacies, including the conflicting aspirations of rival governments. When in 1663 a royal Charter, notable for its extreme liberality, was obtained, Rhode Island persisted in working out its own experience very much in its own way under an assumption that the Charter authorized the utmost freedom. Through all the vicissitudes that beset the small colony, in spite of the persistent interference of neighbors, undaunted by persecution, Rhode Island adhered consistently to the original principles of freedom of opinion, liberty of conscience and faith in the common citizen.

Initiative and referendum, popular election of officers, proxy voting to accommodate electors remote from the polling place, representative government in popular general assembly, the problem of dual constituencies in a legislative body, the reconciliation of individual right with community necessity—all of these and other problems were faced, and solutions were attempted. That the colony government continued to be weak; that jealous neighboring communities sat hungrily waiting to divide the spoils of dismemberment when the "lively experiment" resulted in the destruction that was predicted by those to whom it was not given to understand the travail of democracy; that sometimes even good democrats of the type of Roger Williams and John Clarke despaired; all of these, and other things that indicate that turbulence, violence and even riot were occasionally substituted for what should have been harmony, peace and good will, were true. In the weakness of authority lay the salvation of this venture in democracy; the merit of the "lively experiment" lay principally in the fact that there was no authority that could suppress this exuberant venture in a freedom never before known in man's history. In an age when mankind suffered because of strength of government, when the individual was helpless, when in neighboring colonies, called free, tyranny was practiced, there was one place where the citizen was exalted, and that was Rhode Island. If for no other reason than recognition of an ancient and honorable period in its history, Rhode Island is justified in keeping the heroic figure of the Independent Man on the pinnacle of the State House, and in preserving the inscription that circles the marble

dome: "Rara temporum felicitas ubi sentire quae velis et quae sentias dicere licet." The noble Roman Tacitus who penned this significant expression, "for the times an unusual happiness, that one may say what he thinks and think what he pleases," would have found an unusual happiness had the opportunity been given him to write the history of democracy in Rhode Island, particularly in the period from 1636 to 1677.



## CHAPTER VII.

### EARLY INDUSTRIAL AND SOCIAL LIFE.



Roger Williams reached Providence in a canoe; by what method of traveling he reached the easterly bank of the Seekonk River, the seat of his tentative settlement, after the winter escape from Salem, is not known. Nor is it known where he obtained the canoe, or the tools with which he began to build a house and plant in the spring of 1636 before he was requested by Plymouth to move on. From the Puritans of his day and generation Roger Williams differed in other respects than religion and politics; unlike most of them he did not write a diary and leave to posterity a meticulously detailed story of his life. That he had no Conestoga wagon, the covered vehicle of the immigrant trains in the western movement across the prairies, is certain. He carried so little food that he was constrained to resort to the wigwams of friendly Indians. From the latter, possibly, he obtained the canoe and tools, as well as corn and beans for planting; though there is the probability also that he was able to purchase tools from John Oldham or some other of the English traders who followed the shore line bartering English goods for Indian peltry. The Indians had recognized the superiority of English tools to their own rude stone implements, and had been supplied with them since the arrival of the Pilgrims at Plymouth, if not before. It is possible also that some of the early companions and followers of Roger Williams reached Providence by water, or traveled part of the distance in trading vessels; and that Mrs. Roger Williams, with her two children, one an infant born in the winter of 1635, did not make the journey overland, although Mrs. Thomas Hooker, an invalid, accompanied her husband on the long trek from Massachusetts Bay to the valley of the Connecticut River. In the absence of diary or other statement by Roger Williams or his companions, much is left for imagination, although there are certain facts, among them that the settlement was made in the wilderness, and that tools were absolutely necessary, that may not be evaded.

The first Aquidneck settlers left Massachusetts Bay under more favoring circumstances. Their departure was not hurried as had been that of Roger Williams. In the narrative by John Clarke, "Ill News from New England," it is related that they engaged a vessel whereby to set forth to accomplish their purpose of establishing a new settlement beyond the limits of any patent. The Puritan exodus from England in 1630 and following years had been well organized, and the Aquidneck group, including several wealthy families, could and did profit from earlier experiences. With a vessel of the type commonly in use in transatlantic voyaging, passengers, furniture, tools, stores of food, and even livestock, could be carried. The short passage from Massachusetts Bay to Narragansett Bay could be made in so brief time that several trips might be made. There is no reason for believing that the settlers at Pocasset or Newport suffered serious hardship. No doubt the general freedom from care of the kind that must have obsessed the Providence planters in the early days contributed to the comparative ease with which the Aquidneck settlers accomplished the establishment of a government, and conducted the business affairs of the two towns.

The first houses erected by Roger Williams and his companions probably were log cabins, with rough stone chimneys, thatched roofs, and walls of logs, axe hewn to flatness on two sides, and mortised at the ends by halving. Whether or not the Aquidneck settlers built log houses is not known; they may have transported lumber from Massachusetts Bay, as Richard Smith did from Taunton when he built his trading house near Wickford in 1641. The houses built in Providence in later years, when sawed timber and lumber were available, were mod-

est in proportions and unpretentious in design, probably with only one general room for all purposes in the earliest instances. Later houses were of one, one-and-one-half, and two stories; in the latter the lower chamber, or living room, and the upper chamber, or sleeping room, both were heated by open fireplaces. Lean-to additions were constructed as more rooms were needed. The practice of enlarging dwellings by building ells was established at an early date in New England. Probably the earliest island houses were little more pretentious, although the Henry Bull house, a large two-story structure, so well constructed that it survived the stress of weather for two centuries, was imposing. William Coddington had built the first brick house in Boston. He and some others of the island men were wealthy, and could well afford good houses. Sawed lumber, of local manufacture, was available at Newport so early as January, 1639-1640, when an order was issued by the court, before which Ralph Earle and Mr. Wilbore, his partner, had been haled for felling timber without license, fixing prices for sawed boards, half-inch boards and clapboards.

One of the marvels of the twentieth century has been the amount of antique furniture alleged to have reached America in the "Mayflower." Perhaps the island settlers were not so badly off for furniture, because of their control of a vessel, as were the Providence planters. Chairs, as indicated by inventories of probated estates, were scarce in Rhode Island in early days. Stools, benches, and settles served the purpose of chairs; these could be made from boards hewn or sawed from the wood of primæval forests, without involving the time and careful workmanship required to construct a chair. Silver was almost unknown; pewter was the colonial metal for tableware. Crockery was minutely described and counted piece by piece in probate inventories in such manner as to indicate a value established by scarcity.

**EARLY OCCUPATIONS**—Farming was the first Rhode Island occupation. All four of the earliest settlements were referred to as plantations. In Providence, home lots were laid out with narrow fronts on the Town street, so that the houses might be reasonably close together for the convenient maintenance of the watch, but extending back up the hillside and beyond it until the proprietor had five acres for planting. The original holdings at Pocasset and Newport were likewise farm size. How soon after settling the Providence planters had cattle, sheep, swine and horses, is not known, although the first division of land included commons for pasturage. Possibly the Pocasset settlers carried livestock with them, or had it carried on a second voyage. So early as February, 1638-1639, swine were ordered sent six miles from the plantations, or "shut up so that they may not be offensive to the town," or sent to the islands adjacent. A pound for cattle was ordered in 1640. Newport also regulated the keeping of cattle so early as 1639. In the latter town there was a shortage of food in January, 1639-1640, when a survey disclosed only 108 bushels of corn available for ninety-six persons. The corn was ordered apportioned "one bushel and a half a peck to each person, which is to supply the said person for the space of six weeks," corn borrowed to be repaid so "soon as a supply can be made." Later in the same year the General Assembly ordered "that all the sea banks are free for fishing to the town of Newport." When Samuel Gorton applied for land in Providence, both he and the Providence settlers were supplied with cattle. All the earlier town records include mention of "earmarks" adopted to distinguish ownership. All settlements bought venison and other game from the Indians. In 1638 Portsmouth designated four freemen to buy venison from the Indians and established maximum prices for the purchase and the sale thereof to the inhabitants.

The beginning of differentiation in occupations—the earliest type of division of labor—appeared early in colonial times. In August, 1638, Richard Dummer undertook to build a mill at Pocasset, "which was conceived to be useful to the plantation," and Dummer was rated as a man "of £150 estate." Later in the same year, in November, at Pocasset it was ordered that "Mr. Edward Hutchinson shall bake bread for the use of the plantation"; and in the

same month Nicholas Easton was granted particular privileges "to fell and carry away any such timber as shall be of necessary use for the present building of the mill," he having undertaken to set up a water mill "for the necessary use and good of the plantation." Ralph Earle and partner, who had set up a lumber mill at Newport, were haled before the Court in 1639-1640 to answer a complaint for felling trees without license. Mill rights at the lowest fall of the Moshassuck River, near the Stampers Hill in Providence, were granted at an early date, probably 1646, to John Smith. There is confusion as to the time, in view of the fact that John Smith was a common name in the colony. John Smith, the miller who was a companion of Roger Williams, died before the first division of Providence lands, and was not the John Smith subsequently named in a grant of water rights. Thomas Olney also received a grant in 1655 by the Stampers, as a tanner. Gregory Dexter printed the "Key to the Language of America," written by Roger Williams; the publication was in London. Gregory Dexter appears not to have followed his trade in Providence, although he was prominent in town and colonial public affairs. John Lutner, carpenter, was reported in 1638 as having departed from Pocasset without license, leaving debts unpaid. John Clarke was a physician. In 1641 Robert Jeffreys was authorized to "exercise the function of surgery." This may not have meant more than a license to "bleed," the remedy of the period for reducing fevers. In 1664 Captain John Cranston of Newport, was "licensed and commissioned to administer physic and practice surgery throughout this whole colony," and was "styled and recorded Doctor of Physic and Surgery, by the authority of this the General Assembly." The omnipotent General Assembly, repository of legislative, executive and judicial powers, had granted a university degree! The island records, the code of laws prepared for adoption in 1647, the business-like procedure, indicate that the colony had a lawyer or a citizen who had excellent command of the law and judicial procedure. Perhaps this was Coddington, or John Clarke, as the Charter, written by the latter, was a masterpiece in legal phraseology and in the perfection of completeness. Roger Williams forsook farming in Providence, and opened a trading station near Wickford for traffic with the Indians. Richard Smith also had a trading station in the same locality. William Coddington bred and bought horses for export to Barbados. He was accused by William Brenton, who in 1656 styled himself a Boston merchant, of shipping horses "unjustly obtained." The legal maxim, "caveat emptor," originated with horse traders. Assuming that the accusation of "unjustly obtaining" did not parallel the "casual finding" in the writ of trespass for *trover de bonis asportatis* and was not a polite way of saying that Coddington was a horseshief in a period when "quae sentias dicere licet" and men did not hesitate to exercise freedom of speech in a most emphatic manner and in terms that left nothing for interpretation or the imagination, the case of Brenton *vs.* Coddington is unique as a suit brought by the seller of horses against the purchaser; most suits resulting from horse trades have reversed the parties. William Coddington was granted land for an orchard in 1638. William Blackstone had an orchard in Cumberland. So much, town and colony records yield of information about the division of labor in the earliest years of the colony; much more is suggested which was not recorded because, with reference to many occupations, there was no grant of land or other particular privileges. It may be assumed that little time was lost by the settlers in establishing themselves, so far as possible under environmental conditions, in the occupations with which they had been familiar before immigration or migration, and that the settlements, industrially, tended to assume quickly the general appearance of English towns and villages.

Pocasset in 1638 granted William Balston a license to "erect and set up a house of entertainment for strangers, and also to brew beer and to sell wines or strong waters." The laws of 1647 forbade the keeping of taverns, alehouses or victualling houses without license. In 1654 each town was ordered forthwith to "appoint or license one or two houses for the entertainment of strangers; and to encourage such as shall undertake to keep such houses," other

persons were forbidden to retail wine, beer or strong liquors. In the following year the General Assembly undertook to appoint tavern keepers for towns not complying with the previous order, until the towns should act. This order contemplated three taverns to a town, one to be established under colony license if the town licensed two. Each tavern was ordered to display "a convenient sign at the most perspicuous place of the said house, thereby to give notice to strangers that it is a house of public entertainment." In 1656 taverns were forbidden to "suffer any person to tipple after nine o'clock at night." Warwick, in 1658, was ordered to "constitute one ordinary or more" with "provision of one or two beds at least for strangers, besides other provisions as may be convenient." In 1661 the Rhode Island precedent for the Raines hotel law in New York was enacted, thus: "Forasmuch as it appears that there is great complaint by reason that there is no place or places for strangers to be entertained, it is therefore ordered that it shall not be lawful for any person to retail wine or liquors but such as shall keep one bed at least and victuals for the entertaining of strangers." The tavern keeper was an esteemed citizen. William Turpin, the first schoolmaster whose name appears in the Providence records, was also a tavern keeper. Of him Judge Staples wrote that education was "the stepping stone to honors if not to fortune. In 1722 and 1723 he represented the town in General Assembly; in 1727 he was town clerk; and died town treasurer, in 1744." As a matter of fact, William Turpin, town schoolmaster and tavern keeper, died in 1709, the offices listed by the Annalist as held by the schoolmaster-tavern keeper were held by his son, who bore the same name as the father. No doubt the emphasis upon the maintenance of taverns followed the English practice; the countryside in England was dotted with small ordinaries offering entertainment for the traveling public. It might also indicate a growth of trade, and provision for the colonial prototype of the modern traveling salesman. Drunkenness was punished. Eight residents of Pocasset were fined for a drunken riot on September 15, 1638. The laws of 1647 reproduced the English statute of James, forbidding drunkenness and prescribing penalties. Tavern keepers were enjoined to keep good order; not to permit "carding, dicing, slide, groat," etc.; and not to "suffer any townsman to remain tippling therein for one hour's space." In 1658 an excise on the importation of liquor was ordered with provision for searching vessels suspected of smuggling. Strangers were subjected to examination as possible bootleggers. Sales to Indians were forbidden by some laws, and regulated by others. There was colony recognition of the dangers arising from sales of liquor to red men; the Sachem Ninigret asked the King's commissioners to prohibit sales to Indians, because more than twenty of his braves had died from drinking it. Evidently poisoned liquor is not a twentieth century innovation.

In 1639 a writ was issued for the attachment of a "shallop" laid down by William Aspinwall. Roger Williams in his letters mentioned his "pinnace," although for rapid transit in his trip to Newport to debate the fourteen points with George Fox, he used a canoe. Providence Williams, son of Roger, carried back to Providence in a sloop owned by him some of the refugees who had gone to the islands during King Philip's War, including his mother, Mary Williams. As early as 1646 a ship of 100 to 150 tons was built at Newport for New Haven. Other vessels were laid down in the shipyards established at favorable places, and Narragansett Bay was a shipbuilding centre through the colonial period and well into the nineteenth century. Newport, as the largest town, soon attracted among later arrivals more artisans than Providence, including blacksmiths, masons, joiners, carpenters, coopers and cordwainers. As trade grew in Newport, through the enterprise of men of the merchant type like Coddington, Brenton and Dyer, wealth accumulated, the island became prosperous, and the settlers erected houses of a superior type to replace their earlier dwellings. Some of the later houses were so substantial as to stand for two centuries. No doubt the earliest Hebrew immigrants were attracted to Newport by opportunities for commerce,

although they must have esteemed the liberty of conscience offered and the absence of persecution.

The early settlers discovered the limestone deposits, and used them; they appear not to have found the hard coal which underlies the soil in quantities, nor to have realized the wealth of the granite. In 1649 it was reported that gold had been discovered on the island, and the excitement that might be expected ensued. Roger Williams sent samples of the "ore" to Winthrop, expressing his belief that it assayed both gold and silver. The General Assembly took possession of the "mine" in the name of the state of England, and William Dyer, as Herald, appointed for the purpose, published a proclamation and set up the arms of England and of the lord high admiral. The "ore," on careful assay, yielded neither gold nor silver, and the dream of riches vanished.

The Charter of 1663 emphasized fishery and other sea rights. The plantations were described as bordering such "rivers, harbors and roads as are convenient . . . for building of ships, supply of pipe-staves and other merchandise," and as lying "very commodious in many respects for commerce." The Charter ordered and appointed "that these presents shall not, in any manner, hinder any of our loving subjects whatsoever from using and exercising the trade of fishing upon the coast of New England . . . but that they, and every and any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the seas, or salt water, rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land belonging to the said colony and plantations, such wharves, stages and workhouses, as shall be necessary for the salting, drying and keeping of their fish, to be taken or gotten upon that coast. And further, for the encouragement of the inhabitants of our said Colony of Rhode Island and Providence Plantations to set upon the business of taking whales, it shall be lawful for them, or any of them having struck whale, dubertus, or other great fish, it or them to pursue unto any part of that coast, and into any bay, river, cove, creek, or shore, belonging thereto to kill and order for the best advantage, without molestation, they making no wilful waste or spoil, anything in these presents contained, or any other matter or thing, to the contrary, notwithstanding. And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards (the soil and climate both seeming naturally to concur to the production of wines), or be industrious in the discovery of fishing banks, in or about the said colony, we will from time to time, give and allow all due and fitting encouragement therein, as to others, in cases of like nature."

Withal agriculture, rather than fishing, was the principal Rhode Island occupation in the early years of the colony, and Rhode Island was a farming community. Other occupations developed as complementary or supplementary to agriculture in a division of labor operating to free the farmer, by his employment of skilled workmen in other fields of labor, to devote his own time and effort and energy to intensive plant and animal husbandry. The rich soil of the island and of some parts of the Narragansett country yielded bounteous crops, and the farmers soon had a surplus for export. Sheep were unusually prolific in lambs, and the flocks increased so rapidly that wool also was available for export to England. One Newport farmer owned 3000 sheep. Tobacco was produced for home consumption and for export. In large part this profitable aspect of agriculture was confined in the early years to the southern part of the colony; the soil to the north was not nearly so well adapted to farming. The great abundance of farm products on the island furnished outward cargoes for vessels engaged in carrying trade with the West Indies, and shipping became attractive because of the double profit on the voyage. Lumber, horses, pork, butter and cheese from Rhode Island were exchanged for sugar and molasses. In later years Rhode Island was to

engage in voyages planned to yield three profits, thus: rum to Africa; slaves from Africa to the West Indies; sugar and molasses from the West Indies to Narragansett Bay, the sugar and molasses being distilled into rum for the next round trip.

**EARLY MANUFACTURING**—Joseph Jencks, who settled at Warwick in 1669, brought a new industry to the colony. He was son of Joseph Jencks, "who was the first foundryman who worked in brass and iron on the western continent." Joseph Jencks, Sr., obtained the first patent granted in America, in 1646, for an improved water wheel and a new type of sawmill. He also made the first fire engine in America, made the dies used by Hull in coining the "Pine Tree shillings," and patented the scythe in 1655, which thereafter replaced the hand sickle. Joseph Jencks, Jr., was associated with his father in conducting an iron works from 1647 to 1669, when with his wife and family he left Massachusetts for Rhode Island. On March 25, 1669, he was granted land on either side the Pawtuxet River, on which to set up a sawmill, under an agreement by which he was to sell the Warwick proprietors boards at four shillings sixpence the hundred. Less than two years later, on October 10, 1671, Joseph Jencks, Jr., purchased sixty acres of land near Pawtucket falls, where the Blackstone River becomes the Seekonk. He was the first settler in what was to be Pawtucket, and through his energy laid the foundations for one of the world's greatest industrial centres. It would be difficult in the twentieth century to find a city that rivals Pawtucket in the variety of its manufactured products, including still a marvelous wealth of steel and iron tools and machinery. The fields of Pawtucket, first, and later those of Rhode Island, were mowed with the new scythe invented by the elder Jencks. Soon hatchets, axes, hammers, shovels, hoes, ploughs, and every type of domestic iron implements needed for the comfort and use of workers and householders in Providence Plantations and on the island were made at the Jencks workshop. Blacksmiths and other ironworkers were employed and trained. Joseph Jencks operated a forge, a sawmill and carpenter shop, and later an iron furnace and foundry. Iron ore was obtained in the vicinity of the Mineral Spring swamp west of the falls, and the paths worn by the carts travelling from woods to forge and back eventually became the winding Main Street of Pawtucket west of the river. The forge was located just below the falls on the west side of the river, and close to it was located the Jencks house. Joseph Jencks, Jr., became a prominent figure in the colony, not only in the economic and industrial life, but also in public service. After holding several town offices in Providence, of which Pawtucket was then a part, he was elected as a Deputy, and afterward as an Assistant, in the General Assembly. One of his sons, Joseph Jencks, became Governor, the first elected outside of Newport. The Jencks family continued prominent in the industry which they established. At the beginning of the Revolutionary War Rhode Island had a larger iron and steel production than any other colony, and the patriots looked to Rhode Island to furnish weapons, and were amply justified in doing so by Rhode Island's response.

Apprenticeship was a common relation in colonial days; the large number of apprenticeship agreements mentioned in letters or preserved suggests the possibility that Rhode Island might be entitled to a reputation for vocational education. Apprenticeship agreements bound youth to service during minority, and carried complementary obligations to teach trades and other occupations, and sometimes also reading and writing. Many of the early settlers had servants; thus Gorton's banishment for contempt to court from Plymouth and from Portsmouth arose in each instance from his dramatic defence of a servant. Two of the earliest companions of Roger Williams were lads, who apparently were neither apprentices nor servants. Bond service as well as free service was common, and the trade with the West Indies resulted in the importation of negroes. The colony regulated bond service, and limited both it and slavery of negroes and Indians to periods of years, or to age twenty-four if the relation began during minority. An early statute fixed majority at age twenty-one, and thus limited the period of apprenticeship, the father having no right to contract for

service by son or daughter beyond the time of being "of age." The apprentice usually lived with his master. Thus there were large numbers of young people in the colony, deprived of normal family life in the home relations with father and mother and sisters and brothers, who did not find an equivalent for family life in the relations of master and apprentice and of master and servant. Apprenticeship and bond service tended also to prevent youthful marriages, to prolong courtship, and sometimes to produce social evils.

**COLONIAL MORALITY**—There is no evidence that there was a serious excess of social immorality in Rhode Island over other colonies, although some writers have been led by the court reports of prosecution for lewdness to exaggeration of the evil as a consequence of Separatism. It was no more a consequence of Separatism than a consequence of theocratic Puritanism, unless Puritanism were an entirely voluntary discipline. In other New England colonies, where theocratic Puritanism, through the combined forces of church and state, repressed or suppressed the normal instincts of youth toward playful recreation, the superficial indication of quiet but sorrowful acquiescence for a time deceived some into interpreting sadness as saintliness; in too many instances the outer quiet concealed a stormy rebellion within, which worked its way eventually into excesses, not always delayed until later life, which brought remorse to those who realized their error. There was some restraint in Rhode Island, naturally, because so many of those who reached the settlements had passed through the experiences of Puritanism and had not wholly departed from the Puritanical view of the world and the flesh, and the essential evil of both. There is need of the caution also in reading the English language of the seventeenth century that some words commonly used then, but not used in polite conversation in the twentieth century, had not then the connotation toward evil attributed to them now. Language changes, and the meanings of words change in use. Similarly, it should not be forgotten that conduct which to twentieth century eyes is innocent might be interpreted scandalously in the seventeenth century. Samuel Gorton's maid servant was threatened with banishment from Plynnouth as an outcast from decent society because *she smiled in church!* Finally much that was written about Rhode Island in the seventeenth century was the work of prudish Puritans looking in from without, and highly scandalized at what they saw because it conformed so little to, and departed so much from, conventionalities enforced in their communities. Some also of the Rhode Island writers were far too much prudishly Puritanical to interpret Rhode Island life fairly and reasonably. New England had not found in the seventeenth century a substitute for the village sports and folk games, the gleeful songs and happy dances of Merry England. Youth is youth eternally; immorality may be the price exacted and paid for repression and suppression of normal and usually wholesome instincts of childhood and youth. Instinct needs guidance, and it needs also an outlet for expression. Perhaps intuitively old England had found a means of stabilizing youth through wholesome recreation; Puritanism suppressed recreation as sinful. It is significant that the first Rhode Island statute dealing with the problem of youth suggested a week-day holiday for recreation, thus: "Whereas, there have been several complaints exhibited to this Assembly against the incivility of persons exercised upon the first day of the week, which is offensive to divers among us; and, whereas, it is judged that the occasion thereof ariseth because there is no day appointed for recreation; it is, therefore referred to the consideration and determination of each town to allow what days they shall agree upon for their men servants, maid servants and children to recreate themselves, to prevent the incivilities which are amongst us exercised on that day." There was great wisdom in Rhode Island.

**LIBERTY OF CONSCIENCE**—Rhode Island, in the seventeenth century, was radical for the times and revolutionary in its exaltation of the opinion of the individual citizen. In religion, authority was rejected for liberty of conscience, and complete independence was proclaimed

in the Charter declaration that no man should be questioned, molested or disquieted because of his belief in religious concerns. In politics theocracy and autocracy were rejected for democracy in practice in the first instance, and for a representative type of republican government, eventually, which was held definitely responsible to the freemen. There were some who foresaw also the rejection of institutions and of principles fundamental to orderly society in the discord prevalent in the early days of the colony, and in the triumph of Mrs. Joshua Verein in the first case involving the family relations of man and wife. "Because Joshua Verein refused to let his wife go to Mr. Williams' so often as she was called for (religious meetings), they required to have him censored," wrote one annalist. "But there stood up one Arnold, a witty man of their own company, and withheld it, telling them that, when he consented to that order (that no man should be molested for his conscience), he never intended it should extend to the breach of any ordinance of God, such as the subjection of wives to their husbands, etc., and gave divers solid reasons against it. Then one Greene replied that if they should restrain their wives, etc., all the women in the country would cry out of them, etc. Arnold answered him thus: 'Did you pretend to leave the Massachusetts because you would not offend God to please men, and would you now break an ordinance and commandment of God to please women?' Some were of the opinion that if Verein would not suffer his wife to have her liberty, the church should dispose her to some other man who would use her better. Arnold told them that it was not the woman's desire to go so oft from home, but only Mr. Williams' and others. In conclusion, when they would have censured Verein, Arnold told them that it was against their own order, for Verein did that he did out of conscience; and their order was that no man should be censured for his conscience." The lightly humorous touch of the annalist scarcely disguises the dilemma presented to the townsmen. Joshua Verein was clearly setting up *his* own opinion against the conscience of his wife in a matter that concerned *her* religious belief; his was the voice of authority answering a question of almost vital importance to a human soul—exactly the type of question almost certain to arise when man and woman of different religious beliefs intermarry. Yet a decision for the wife involved an assault upon the almost universal opinion of the times that the husband's right to exact obedience in the family was without limit as to subject matter. As arbitrary authority in religion and in politics had been rejected in Rhode Island, so also arbitrary authority in the family was shaken by the decision for the wife in the Verein case, which was practically that the husband had no right to exact or enforce obedience in matters of religious concerns. Obedience to the orders of the majority had been limited to "civil things"; obedience to the husband had been limited by removing religion from his jurisdiction. Yet the Rhode Island settlers were vigilant protectors of the integrity of the family. Divorce was granted only for adultery, at the request of the injured party. Courts undertook to reconcile husband and wife in instances of family quarrelling and separation. Offences against morality were punished severely. There were not so many complaints of this sort before the courts as to suggest more than the proportion of delinquency that seems almost to be inevitable in human affairs.

**THE STATE AND RELIGION**—While the constitutional inhibition that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," might be predicated as much to a purpose to protect state establishments already existing as to a purpose to protect individual freedom or worship, which it has come to mean in the twentieth century, the limitation of government to civil things precluded "establishment" in Rhode Island in the sense of a state church supported by public taxation. Thomas Jefferson evaluated his achievement in procuring disestablishment in Virginia as of importance almost equal with his writing of the Declaration of Independence, and disestablishment was not accomplished in several states until long after the Revolutionary War. The established church in Massachusetts was supported by public taxes until the middle of the nineteenth

century. Rev. James MacSparran made one journey to Bristol to intercede for members of the Church of England who had been cast into jail for refusal to pay taxes to support the established Congregational church while Bristol was a Massachusetts town. There was opposition in Rhode Island not only to an established church but also to an established ministry. Roger Williams adhered strictly and rigidly to his belief that the minister should support himself, rather than be sustained by his congregation. His position on this matter was as revolutionary as his doctrine of soul liberty. While preaching and teaching at Salem and Plymouth he supported himself and his family by physical labor. To this belief he adhered in Providence Plantations. John Clarke, who preached to congregations in Pocasset and Newport, earned his living by practicing his profession of physician. That his education had been partly theological is indicated by his authorship of a Concordance to the Bible, Clarke's Complete Concordance, one of the books listed in the inventory of the estate of William Harris. Robert Lenthal, who preached in Newport, was as well a teacher in the town's public school. Samuel Gorton, while awaiting trial in Massachusetts, attended Sunday services only on condition that he might be permitted to answer the minister. Anne Hutchinson's first offence against the Massachusetts theocracy was committed when she undertook to extend her home class for women into a preaching service, in which she expounded her own theology. William Blackstone, recluse farmer, preached in Providence. Some of those who found nothing of good in the early settlers and early settlements in Rhode Island needed no other evidence to convince themselves of evil in the colony than the want of an established ministry. To assert that they were wholly wrong would involve almost a denial of the moral influence of the conscientious priests, ministers and rabbis who labor to preserve the spiritual life in modern communities. Yet in a period in which an established church and an established ministry in Massachusetts had produced unmitigated tyranny, an opposition to both that swung beyond the middle ground of toleration might be justified. Roger Williams himself was a hardy perennial among dissenters; witness his withdrawal from the Church of England, his conflict with the Congregational establishment in Massachusetts, and his separation from the Baptist group in Providence after a few weeks of enthusiasm for baptism by immersion, to become a Seeker, which meant, in final analysis, that his religion was not dogmatic, and that he found no theological system completely and continuously satisfying. *He did not go from Massachusetts to found a new church.*

Among the earliest orders of the government at Pocasset was one for the building of a meetinghouse, a measure not incongruous in view of the political establishment modeled on patterns taken from Israel. The Pocasset settlers for the time being were harmonious in a common enterprise of banishment or withdrawal from the establishment in Massachusetts. They were non-conformists there, yet not necessarily one in doctrine—because they agreed only in disagreeing. The *reorganization* in Pocasset and Newport on purely political lines followed logically a recognition that they differed among themselves in religion. Eventually most of them became either Baptists or Quakers. Anne Hutchinson had been close to Quakerism in her emphasis upon the "inner light." As the colony strength was recruited by those who were banished or withdrew from other colonies or by those who came directly to Rhode Island because of the guaranty of freedom of worship, the division into sects persisted, and because of the marked diversity and the small number in each instance who found themselves in harmony in dogma, meetings of those who could agree one with another were held in private dwellings. The King's commissioners in 1665 reported: "In this province only they have not any places set apart for the worship of God, there being so many subdivided sects, they cannot agree to meet together in one place; but according to their several judgments, they sometimes associate in one house, sometimes in another."

RISE OF CHURCH SOCIETIES—Some time between August, 1637, and the following March, Roger Williams was baptized by immersion in Providence by Ezekiel Holyman, and himself

baptized eleven others, including Holyman, thus forming a Baptist society in Providence Plantations. There was also an early Baptist society at Newport, to which John Clarke and afterward Obadiah Holmes preached. Coddington, Dyer, Easton, Bull and others became Quakers, and as both Baptists and Quakers were not welcome at Plymouth, or Massachusetts, or Connecticut, the societies in Rhode Island were increased both by newcomers and adherents recruited from the earlier settlers. Still they did not include all; Roger Williams departed from the Baptist society, and certainly was not a Quaker. Samuel Gorton and his followers were neither Baptists nor Quakers. William Harris was baptised with Roger Williams, and later became a Quaker. To Rhode Island came also members of other persecuted sects, and some of sects not persecuted, including communicants of the Church of England, French Huguenots,\* Moravians, Sabbatarians, Hebrews, and possibly Roman Catholics, though Governor Sanford in 1680 reported no "Papists." In 1684 Simon Medus, David Brown and other Hebrews were assured by the General Assembly that "they may expect as good protection here as any stranger being not of our nation residing amongst us . . . ought to have, being obedient to his majesty's laws." Cotton Mather in 1695 listed Antinomians, Familists, Anabaptists, Anti-Sabbatarians, Arminians, Socinians, Quakers, Ranters, in Rhode Island; "everything in the world but Roman Catholics and real Christians." Trinity Church, Episcopal, was established at Newport in 1699, and St. Paul's Church at Kingstown a little later. A Seventh Day church was organized in Newport in 1671, and Seventh Day Baptists were prominent among the founders of Westerly and Hopkinton. As the colony grew in numbers, churches, meetinghouses and synagogues were erected, and congregations were organized to support a ministry on the basis of voluntary contributions.

With the Huguenots who settled at Frenchtown in the Narragansett country\* came their minister, Reverend Ezekiel Carre. When the settlement was abandoned only two Huguenot families, those of Dr. Pierre Ayrault and Gabriel Bernon, remained in Rhode Island. These settled at Newport and were among those who founded Trinity Episcopal Church, and who petitioned the King for assistance in the settlement of a minister. In 1704 the Society for the Propagation of the Gospel in Foreign Parts sent Reverend James Honeyman to Newport. He became rector of Trinity Church, and visited Little Compton, Tiverton, and Freetown. Two years later Reverend Christopher Bridge gathered an Episcopal society at Kingstown; nearly a century later the building was removed to Wickford, and there was known as St. Paul's. Other Episcopal societies were established, at Bristol, while the town was still held by Massachusetts, and at Providence, the latter through the effort of Gabriel Bernon. Congregational societies were established in Newport and Providence. Baptist societies and Quaker societies also established churches. In 1739 Callander reported thirty-three churches in Rhode Island, of which twelve were Baptist, ten Quaker, six Congregational or Presbyterian, and five Episcopal; besides other groups not having established places of worship. These societies were voluntary. To supplement the declaration of religious liberty in the Charter, Rhode Island in 1716 enacted a statute, thus:

WHEREAS, In the fifteenth year of his majesty's reign, Charles II, of blessed memory, there was a Charter granted to this his majesty's colony, in which were contained many gracious privileges for the encouragement and comfort of the inhabitants thereof; amongst them, that of free liberty of conscience in religious concernments, being one of the most principal; it being a moral privilege, due to every Christian, as by his majesty is observed, that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty; and this present Assembly being sensible, by long experience, that the aforesaid privilege, by the good providence of God having been continued to us, has been an outward means of continuing good and amicable agreement amongst the inhabitants of this colony, and for the continuation

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\*Chapter III.

and better support thereof, as well for the timely preventing of any and every church, congregation and society of people now inhabiting, or which shall hereafter inhabit within any part of the jurisdiction of this colony, their endeavoring for preëminence or superiority of one over the other, by making use of the civil power for the enforcing of a maintenance of their respective ministers.

Be it enacted by this present Assembly and by the authority thereof it is enacted, that what maintenance or salary may be thought needful or necessary by any of the churches, congregations or societies of people now inhabiting, or that hereafter may inhabit within any part of this government, for the support of their, or either of their minister or ministers may be raised by a free contribution, and no other ways.

The Charter had protected liberty of conscience; the statute inhibited the establishment of religion by forbidding public taxation for the support of churches. The author of the statute was not named in the colonial record; possibly he was Captain John Eldredge, an Assistant. For some reason not disclosed in the record, Captain Eldredge was bitterly assailed by Gabriel Bernon, who had been prominent in the movements to establish three Episcopal churches, Trinity at Newport, St. Paul's at Kingstown, and St. John's at Providence, and who might be a strong exponent of establishment. At the November session of the General Assembly, 1716, Gabriel Bernon "having exhibited a petition before the Assembly, wherein were divers foul charges against Captain John Eldredge, an Assistant of this colony, and the matter being duly debated, the said Captain John Eldredge was deemed innocent of the slanders; and also willing, upon the acknowledgment of said Bernon, to require no other satisfaction," the Assembly ordered Gabriel Bernon to sign two acknowledgments, one for causelessly charging Captain Eldredge, and the other for contemptuously and disorderly behaving himself before the said Assembly. Gabriel Bernon signed two acknowledgments accordingly, and the matter was closed.

HOW RHODE ISLAND DIFFERED FROM MASSACHUSETTS—The story of the eastern towns held, by Plymouth first and later by Massachusetts, in defiance of the Charter, illustrates the difference between Rhode Island and Massachusetts. When the latter extended its jurisdiction to include Plymouth, the court of quarter sessions ordered the people of Swansea to choose a minister. The Baptist Church at Swansea was the target aimed at. The town met the situation by electing Elder Samuel Luther, the Baptist minister, as town minister, and by appointing "tithing men" with a tacit understanding that no tithes ever would be collected in Swansea. The Congregational society petitioned for a division of the town unless £100 should be raised for the support of the ministry, which meant an assessment upon the town for the support of the Congregational society. The town upheld liberty of conscience. In 1718 Barrington was set off from Swansea, after persistent petitioning, and the Congregational society there was supported by titheing. In Bristol, which was settled by Congregationalists, an Episcopal society was established in 1721; both churches were supported in part by grants from public taxation. In 1744 the towns asked for legislation permitting each church to tax its own congregation. Little Compton was fined £20 for refusal to support a Congregational church by taxation.

"Heterodoxy" was declared, by the Superior Court of Rhode Island in 1739, to be "orthodoxy" in Rhode Island. In 1668 the Pettaquamscott purchasers, who were Episcopalians then, granted 300 acres of land for the support of an *Orthodox* minister. Later the grantors left the Church of England and became, for the most part, Congregationalists. In 1723 Reverend James McSparran, Episcopal minister, and Reverend Joseph Torrey, Presbyterian, claimed the grant. The Court sustained the Presbyterian church on the ground (1) that under the Rhode Island Charter all denominations were *Orthodox*; and (2) that most of the grantors were Congregationalists or Presbyterians when the grant actually was carried into effect.

**THE NARRAGANSETT COUNTRY**—The Great Swamp fight and the defeat of the Indians in King Philip's War\* ended Narrangansett domination of the territory now principally included in Washington County, and opened it up for settlement. There the foundations for the woolen and worsted industry were laid by the Hazard family, and there developed also an almost patriarchal society based upon large land holding under the plantation system. The tendency in this direction at Newport had been restricted by meagre territory. In the Narragansett country there was more land, and it attracted many from Newport. Slave labor was employed extensively, and a society developed resembling somewhat the organization in the South before the Civil War. The planters as a rule were wealthy or became wealthy. They bred fine horses, and the Narragansett pacers achieved world renown for speed in harness. Thither in 1721 came Rev. James MacSparran, described as a "man of parts and of ardent Celtic temperament, a strong ecclesiastic." He married Hannah Gardiner, of South Kingstown, and thus established alliance with such influential families as the Gardiners, Robinsons, and Hazards. Sent out by the Society for the Propagation of the Gospel, he built the "Glebe House" on the Narrow River near St. Paul's Church. His name is preserved in the South County by MacSparran Hill. To visit him came Dean Berkeley in 1729, while the latter was sojourning at Newport. A parish school in connection with St. Paul's Church, later moved to Wickford, was maintained for two years.

**EARLY EDUCATION**—Of the earliest settlers of Rhode Island Roger Williams, John Clarke, Samuel Gorton, William Coddington, and William Harris, certainly, and perhaps others were well educated. Samuel Gorton's marvelous knowledge of Scripture appears in his letters and in his "Simplicity's Defence." William Harris, though throughout his long life a radical disturber of the peace of the colony in ways that appear to be almost inexplicable, was a man of tremendous ability, and of learning by reading if not by school instruction. The inventory of his library showed a remarkable choice of books, thus: Dictionary; London Despencetory, Method Physic, and Surgeon's Mate, medical; Norwood's Triangles (and a set of surveying instruments); two Bibles, Clarke's Complete Concordance, Contemplations Moral and Divine, Treatise of Faith, Gospel Preacher, religious; Coke's Commentary on Littleton, Touchstone's Wills, Statute Poulton, Declarations and Pleadings, the Executor's Office, Exposition of Law Terms, Layman's Lawyer, Law Juryers, Justice Restored, Dalton's Country Justice, lawbooks; Nature's Explecation, the Effect of War, Gentleman Jockey, New England Memorial, Introduction to Grammar, Lambarth's Perambulations. The fact that Rhode Island, in its rejection of authority, did not establish a school system by ordinance, has deceived many students of the history of education in America into believing that little attention was paid to education in the early days of the colony. By some an alleged neglect has been ascribed to Separatism, Indian wars, Baptist and Quaker opposition to schools, the absence of an established church, and even dislike for institutions of any sort common in Massachusetts and Plymouth. Rhode Island was never engaged in a war with the Indians, though her soil was invaded in both the Pequot War and in the attack upon the Narragansett fort in the Great Swamp. It would be difficult to sustain the thesis that the early settlers left Massachusetts and Plymouth because of dislike for schools, inasmuch as the Massachusetts snooping† ordinance of 1642 ordering the teaching of the catechism and the capital laws followed the banishment of Roger Williams by six years, and all of the principal early migratory movements, led by Williams, Clarke and Coddington, and Gorton. Plymouth passed no law for the support of schools until 1663, twenty-seven years after Providence had been settled. The association of schools with established churches was common throughout the Christian era, beginning with the early Christian catechetical and catechumenal schools established by the

\*Chapter V.

†Ordering citizens to keep a watchful and vigilant eye upon their brethren and neighbors.



CLYDE SQUARE, RIVER POINT



THE SQUARE, ARCTIC



Roman Catholic Church, and continuing with the development of mediæval universities under church promotion. The Reformation, favored as it was by the invention of printing with the possibility of producing books in quantities at low cost, witnessed an extension of elementary education by Protestants and Catholics, as both recognized the importance of reading. Lutherans and Calvinists, Christian Brothers and Jesuits, Port Royalists and Huguenots, all turned to the education of the common people as a means whereby to advance their several causes. In spite of the fact that so much and more of history tended to demonstrate the theorem that an established church tends to favor the development of an educational system, it did not tend to prove the converse, that is, that a school system could not arise in the absence of an ecclesiastical establishment. And, besides that, an historical investigation limiting itself to the demonstration of a theorem was quite likely to neglect other possibilities, as it did in the instance of Rhode Island. Even the astute and capable Richman was led to the error of declaring that Rhode Island did not achieve a state system of public schools until 1904, the year in which the district law was repealed and district schools were abolished. Furthermore, the theory of association of church and school neglects the salient characteristic of the American public school system, like the state, as distinct and separate from any ecclesiastical organization. Following the lead of Rhode Island, America has separated church and state, and has placed education in the category of state functions. A system of public schools rising in association with an established church would be as impossible in Rhode Island as would be an ordinance of the type of that passed in Massachusetts in 1642 commanding the teaching of the catechism. Moreover the rather common interpretation of the Massachusetts ordinance as a school statute erecting a system of the elementary type of reading and writing schools characteristic of America, is erroneous, inasmuch as the catechism could be taught, as it had been taught for sixteen centuries, orally by questions and answers. Altogether too much importance has been attached by historians to the Massachusetts ordinance of 1642. The accusations of indifference or neglect against Separatists, Baptists, and Quakers, were made principally by those who hated all three, and could find no merit in them whatsoever.

Facts are the most stubborn things with which the historian has to deal. He may wish that history might be what the Kaiser is said to have declared, "not so much a record of what has been, so much as what can be made of the record," but facts are facts and immutable. The facts establish an enviable record for Rhode Island in education. The actual beginning of the American public school system was in Rhode Island. Newport, in August, 1640, voted in town meeting to set aside 100 acres of land for a school, four acres of land for a houselot for the schoolmaster, and to give the income of another 100 acres "for a school for the encouragement of the poorer sort to train up their youth in learning." Robert Lenthal was engaged as schoolmaster. Here, then, was the first American public school, a school controlled and supported exclusively by the public. This was not the casual provision for a school to be maintained for a few months only, nor was it the promise that a school might be established later, which is the general trend of similar records in the instance of certain Massachusetts towns. The schoolmaster was engaged, and the large endowment in land indicated permanency. The names of two schoolmasters who succeeded Robert Lenthal, as the first American public schoolmaster, John Jethro and Thomas Fox, are preserved in the fragment of the Newport town records that escaped obliteration during the Revolutionary War. In 1661 the land set aside in 1640 was exchanged for other land. Eventually the land was sold, and the proceeds invested as an endowment for the public schools of Newport, which is still intact. Of the first schoolhouse erected in Newport little is known, except that it was still standing in 1685, but so decrepit and decayed that it had ceased to be used in 1700, when Ebenezer Mann asked permission to take some of the timbers for use in building his new house. In 1706 Newport sold some of the school land to furnish the "schoolhouse in or near the market place in New-

port," probably the schoolhouse ordered constructed by the town meeting of 1704. The fortunes of this schoolhouse were variable; one vote in town meeting rescinded the order to build and granted land to Samuel Cranston and others to build. Later a tax of £150 was laid to supplement the proceeds of the land sale, and in 1708 the Town Council was ordered to administer the school and school estate. William Gilbert was chosen schoolmaster in 1709, receiving the use of the schoolhouse, "the chamber and the cellar, the profits arising from the school land in this part of the town and some convenience for keeping of fires in the winter season." In 1710 William Galloway was granted "the liberty of teaching a Latin school in the two little rooms in the schoolhouse of this town." Other schoolmasters, including John Calendar and Terrence Donally, are mentioned in the fragmentary record. Another schoolhouse was erected in 1713, and in 1723 106 acres of land were set aside for a school in the eastern part of the town, called the Woods, and now part of Middletown. All the public schools were ordered repaired in 1726. The records mention two schoolmasters, but not by name, in the Woods in 1729. The record, so far as it is readable, indicates reasonably a continuous public school enterprise in Newport from 1640 to the Revolutionary War, and the facts, so far as Newport is concerned, completely and adequately refute the allegation of opposition to or neglect of the education of youth. Besides the public schools, there were private schools, including a Church of England foundation for a school in connection with Trinity Church. In this school Edward Scott, granduncle of Sir Walter Scott, taught nineteen years.

Samuel Gorton purchased Warwick from the Indians in 1642, but his first settlement was interrupted when he was captured and carried off to Massachusetts.\* Not until Roger Williams returned from England with the Parliamentary Patent† did Gorton and his companions venture back to Warwick, and resume the development of their plantations. There is enough of record intact and decipherable to indicate that Warwick had a building used for school purposes and also for public meetings as early as 1652. Of this school little is known. The record of 1716 refers to a schoolhouse built on land owned by the town, a grant of land to be used with it, a tax of £130 to be raised for the school, and the reservation of a right to hold meetings in the schoolhouse. Joseph Carder, Charles Morris, Thomas Lippitt, and Ephraim Arnold were among the schoolmasters who taught in this schoolhouse.

Providence voted 106 acres of land for a school in 1663, the same year that Plymouth set aside the Cape Cod fishery money for the support of schools—the first piece of school legislation in Plymouth. What was done was not recorded, a characteristic of the Providence records for a century after the founding of the town. Twenty years later, in 1683, John Whipple complained that nothing had been done, and in the next year William Turpin, claiming to be town schoolmaster, asked to have the lands set out for his benefit. Public action was much slower in motion in Providence than in Newport. Eight inhabitants, on request in 1695-1696, were granted "a spot of land forty feet square where it may be most convenient." They asked for land near what is now the corner of Olney Street and Stampers Lane. A schoolhouse was built in that vicinity some time during the colonial period, whether by reason of the grant or in spite of it, though Henry C. Dorr declared that the enterprise failed of consummation. The Providence records of dates before 1675 indicate disaster during King Philip's War; but after that date there is evidence of palpable neglect to enter the town's business upon the books. George Taylor was granted leave to keep a school in one of the chambers of the Colony House in 1735. Eighteen years later the same George Taylor was given leave to use the town schoolhouse, on condition that he "school or teach one poor child . . . gratis." Stephen Jackson leased the town schoolhouse in 1754, the £45 rental to be applied to repairing the building. The first reference to this schoolhouse in the Providence record was

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in 1752, when a part of the schoolhouse lot "whereon the town schoolhouse in Providence standeth" was granted to the colony as a site for a jail. The schoolhouse was old enough to require repairs in 1754, yet there is nothing in the Providence town records to indicate when the land for the school was set aside, when the schoolhouse was built, or what the cost was, nor to answer any of a long list of questions suggested. All that had been done in town meetings with reference to the schoolhouse had been omitted from the records by the town clerk or clerks. The growth of the town westward, beyond the Moshassuck River, was indicated by a request for land for a schoolhouse presented and granted in 1752. By the middle of the eighteenth century Providence probably had four schoolhouses, some of which were proprietors' schools built and conducted by school societies, and with a town school committee from 1752, had the question of developing a complete town public school system under consideration. Three reports on this project were made between 1768 and 1800.

The first Portsmouth school record decipherable, for July 30, 1716, ordered a "*new schoolhouse*" to be built upon one acre of land belonging to the town situated in the north part of the town. In September of the same year another schoolhouse was ordered built in the south part of the town, on recommendation of a committee that it had considered "how excellent an ornament learning is to mankind, and the great necessity there is of a public schoolhouse on the south side." The use of the term "*new schoolhouse*" in the record of July 30, 1716, warrants the inference that the schoolhouse referred to was not the first schoolhouse in Portsmouth. The associations of Newport and Portsmouth were too intimate, and the people of both towns had too many other interests in common to warrant an assumption that Newport developed a school system and Portsmouth did nothing for public education. Besides that, there is the mute evidence of fragmentary records that much that was done may never be known. Other schools were built in Portsmouth, two in 1722, one at the south end of the town in 1733, one near Bristol Ferry in 1746, and one on Prudence Island in 1763. The records of the towns in the territory assigned to Rhode Island by the Charter of 1663, but retained by Plymouth and Massachusetts until 1747, were not so favorable to education as were those of the towns under the Rhode Island government, and their records are interesting evidence of a genuine backwardness in education in all parts of Massachusetts not closely connected with the Bay settlements. Bristol was a notable exception, but Bristol was always more a Rhode Island than a Massachusetts town in spirit. Barrington, Warren, Bristol, Cumberland, Little Compton, and Tiverton were held by Plymouth and Massachusetts until 1747. In Barrington John Myles, pastor of the church, in 1673, taught "grammar, rhetoric and arithmetic, and the tongues of Latin, Greek and Hebrew; also to read English and to write." Bristol was settled in 1680, and ordered a school as early as 1682. Samuel Corbitt collected salary as town schoolmaster so early as 1685. Bristol was divided into two school districts in 1699, schoolhouses were built in 1722 and 1727, and a schoolhouse already erected was purchased in 1727. Nathaniel Byfield gave Bristol school land in 1714, yielding an income sufficient to cover a large part of the necessary expenditures. Bristol appointed the first Rhode Island town school committee in 1751; Providence, 1752, and Middletown, 1754, followed. Middletown was included in Newport until 1745. The town records omit reference to private schools, and to tutors and governesses employed by the rich planters of Newport and the Narragansett country. In the middle of the eighteenth century many of Newport's most prominent younger citizens were graduates of Harvard College.

No Rhode Island town in the colonial period undertook complete responsibility for maintaining a universal town system of public schools. As a matter of fact, that was not done anywhere in America before the Revolutionary War. Recognizing that the public has an interest in education as a social asset, Rhode Island aided schools in four ways, as follows:

- i. Providence, Newport, Middletown and Bristol granted land for school sites, house-

lots for schoolmasters, or tracts of land, the income of which was to be devoted to the support of schools.

2. Providence, Newport, Portsmouth, Middletown and Bristol erected schoolhouses as public property to be leased, rent free or with rent, to schoolmasters. The rental charges indicate that some of these public schoolhouses were dwelling houses, with one or more chambers reserved for school purposes.

3. Newport, Middletown, Barrington and Bristol hired schoolmasters on salary, or paid part of a salary, the remainder to be obtained from tuitions or other sources. In one instance the town underwrote or guaranteed a salary, the town to pay only the balance that might not be obtained from tuitions.

4. Providence, Newport and Warwick granted public land to school societies on which to erect schoolhouses at the expense of the proprietors. In some instances a grant of money or special privilege accompanied the land grant.

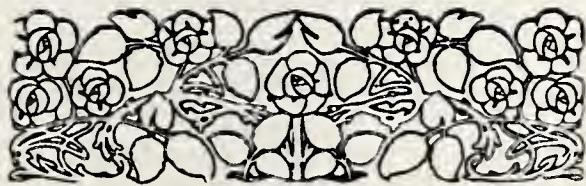
Public action in support of schools and education was by towns; the colony's encouragement of education was limited to granting the use of a room in the Colony House at Providence to a schoolmaster; granting the use of another room in the same house for library purposes; granting a lottery to replace the library when it was destroyed in the fire that razed the Colony House; granting a charter to Rhode Island College, later to be named Brown University; and granting lotteries to complete the parsonage for the Baptist Church at Warren as a dormitory for students under the instruction of President Manning of Rhode Island College, for the construction of a schoolhouse in East Greenwich, and for the construction of the First Baptist Church in Providence, to be used "for the worship of Almighty God and holding the public commencements in."

The public schools established in Rhode Island were for academic education, not for instruction in religion, as were the schools in theocratic Massachusetts. Out of the beginnings of a system of public education laid before the Revolutionary War was to develop a distinctly Rhode Island public school system that was to furnish the model for the American public school system of the nineteenth and twentieth centuries. As America looked to Rhode Island for the models on which it constructed a democratic form of government, so it looked to Rhode Island for the models on which to build a democratic public school system.

**DEVELOPMENT OF COMMERCE**—Newport continued to be the largest settlement through the colonial period, and the wealthiest, as indicated by the apportionment of taxes. Newport was first of the settlements to produce an economic surplus for export, thus laying the foundation for further wealth to be obtained through profitable commerce. Water bailiffs were appointed as early as 1647. The reputation of the town was spread in the ports reached by its sailor sons, and by those who visited the town and marvelled at the salubrity of the climate. "Newport," wrote Neal, "is deservedly esteemed the Paradise of New England for the fruitfulness of the soil and the temperateness of the climate." In 1712 John Mumford surveyed the streets and numbered them, on order citing that "the town had grown to be the admiration of all and was the metropolitan." Among other visitors came Rev. George Berkeley, Dean of Derry, author of the brilliant "Principles of Human Knowledge," then on his way to found a college in Bermuda, when £20,000 might be made available. The Dean of Derry reached Newport in 1729 and remained three years in this "most thriving, flourishing place in all America for its bigness." Newport society was brilliant and cultured. While Berkeley tarried the Literary and Philosophical Society was organized, to consider "some useful questions on divinity, morality, philosophy, history," etc., but not dogmatic religion. Out of this society was to come the organization of the Redwood Library, with an altogether remarkable collection of books. Newport drew new settlers in large numbers, including Scotch, and in 1755 sixty Hebrew

families from Lisbon, following the earthquake in the Portuguese capital. With Dean Berkeley came John Smibert, Scotch, the first painter of note in America. Other artists were drawn to Newport by the promise of a market for their pictures, including Robert Feke and Cosmo Alexander, American teacher of Gilbert Stuart. Washington Allston, familiar friend of Stuart, was fitted for college at Newport, and Edward G. Malbone, painter of miniatures, and one of the most distinguished of American artists, was born there. Perhaps Berkeley was drawn to Newport by the brilliant society already there; he had a part in giving to Newport society a cultural impulse that was lasting. Profitable commerce brought the wealth of the world to its wharves. The town achieved a worldwide and well-deserved reputation for the beauty and cultural charm of its daughters. Its sons became daring, adventurous sailors.

Meanwhile Providence, too, was rising in prosperity. Pardon Tillinghast built the first wharf, and the town began to ship and to receive cargoes and build a substantial wealth. Narragansett Bay was proving to be the jewel of New England; and on its waters were being bred and nurtured sailors whose sons would establish the navy of a great nation. Some part of the wealth of Rhode Island at this period was derived from privateering, but of that more in Chapter VIII.





## CHAPTER VIII.

### RHODE ISLAND'S PARTICIPATION IN COLONIAL WARS.

NGLAND concluded treaties of peace with France in April, 1630, and with Spain in September, 1630. While Continental Europe was still distracted by the Thirty Years' War, ending with the Peace of Westphalia, October 24, 1648, England was passing through a revolution, the first stage of which reached a dramatic climax with the execution of King Charles I, on January 30, 1649. In the eleven years of the short-lived republic and Cromwell's long dictatorship, preceding the Restoration in 1660, England was by no means at peace. Besides suppressing insurrections in Ireland and in Scotland on behalf of Charles II, England fought a brilliant naval war with Holland, 1652-1654; chastised the Barbary princes of Algiers, Tunis and Tripoli, 1655; and fought a short war with Spain, 1656-1659. The Restoration marked the ending of a second episode in the Revolution, which continued, even after the coronation of William and Mary, 1689, with wars in Ireland and in Scotland. Other international wars followed the Restoration in rapid succession: With Holland, 1664-1667; with France, 1666-1667; with Holland, 1672-1674; with France, King William's War, 1689-1697; Queen Anne's War, the War of the Spanish Succession, 1702-1713; with Spain, 1739-1748; with France, King George's War, part of the War of the Austrian Succession, 1744-1748; with France, the Old French and Indian War, part of the Seven Years' War in Europe, 1755-1763. In 1664 England acquired New Amsterdam, only to lose it to the Dutch in 1673, and regain it at the conclusion of the war with Holland, 1674. While the causes for these wars were principally European, involving quarrels between rival national states or dynasties, or the determination of legitimacy in royal succession to national thrones, the theatre of war was not confined to Europe. In almost every instance American colonies became involved in the quarrels of mother countries, and in some instances American colonies were part of the spoils of war, acquired or lost by conquest, or by treaty made the price of victory or defeat. In the internal quarrels of the kingdom America took little part; the general American attitude was reflected in a recognition of any government actually in control for the time being as *de facto*. Rhode Island received the first Patent from Parliament, acclaimed the Restoration of Charles II, and welcomed the accession of William and Mary because it ended the usurpation of Andros.

Early relations with the Dutch, settled at New Amsterdam and maintaining trading posts at points along Long Island Sound and so far east as Narragansett Bay, were friendly. As early as 1642 the Governor and Deputy of Aquidneck were instructed to "treat with the Governor of the Dutch to supply us with necessaries, and to take of our commodities at such rates as may be suitable." The generally unfriendly attitude of Massachusetts toward the Rhode Island settlers, and Plymouth's unwillingness to maintain relations that would offend Massachusetts, made this recourse to the Dutch advisable. When Roger Williams went to England to negotiate the first charter he sailed from New Amsterdam, because he was barred from Massachusetts. The good understanding between English and Dutch in America continued until the mother countries engaged in war in Europe, 1652-1654. Thereupon local colonial agreements for comity and amity came to an end. Even the boundary line at Oyster Bay, between Dutch settlements and English settlements on Long Island, was no longer respected. The government on Rhode Island, not yet reunited with Providence and Warwick following the separation attending Coddington's commission as Governor, because of close friendship with the Long Island settlers, took action both against the Dutch and on behalf of the English.

On May 18, 1653, it was voted to appoint a committee of eight men, two from each town, including men from Warwick and Providence, who attended the meeting at Newport, to consider "matters that concern Long Island, and in the case concerning the Dutch." Upon report of the committee it was voted (1) that we "judge it to be our duty to afford our countrymen on Long Island what help we can safely do . . . either for defending themselves against the Dutch, the enemies of the commonwealth, or for offending them as by us shall be thought necessary"; (2) to loan "two great guns" to the Long Island settlers; (3) to send them "what murderers are with us"; and to permit further the enlistment of twenty volunteers for military service on Long Island; (4) to set up a prize court; (5) to issue letters of marque to John Underhill, William Dyer and Edward Hull, and to others after adjournment by action of the President and four Assistants. Providence and Warwick protested against the aggressive hostility suggested by granting letters of marque, on the general ground that the sending out of privateers to prey upon peaceable intercolonial commerce would tend to produce war, and was likely to "set all New England on fire." Not less than three, probably four, privateers were fitted out at Newport, and they were so daring and so successful as to spread terror amongst the Dutch shipping and to arouse doughty Peter Stuyvesant, the Governor of New Amsterdam, to undertake reprisals by sending two armed Dutch vessels into Long Island Sound against the Rhode Island privateers. Friendship and trade with the Dutch were reestablished almost as soon as the mother countries concluded their quarrel across the Atlantic. For years afterward the Rhode Island General Assembly recalled this short period of privateering, as action was taken to adjust rival claims arising therefrom, to collect the colony's share of prize money, and to enforce an accounting for England's share of the prize money, which remained in the possession of Nicholas Easton, who refused to turn it into the colonial treasury. While the records of the prize court, from which it might be possible to estimate the value of captures, are not available, the venture at successful privateering did much to confirm Newport's interest in the sea, and it induced some Newporters to become "sailors of fortune," in the sense that they sought letters of marque in the quarrels of other nations than England, in much the same way that professional soldiers seek service wherever there may be fighting. Privateering, though hazardous, might and did yield large fortunes.

In England's second war with Holland, 1664-1667, New Amsterdam surrendered to an English fleet, almost at the opening of hostilities, despite a gallant one-man defence by Governor Peter Stuyvesant, described thus in the inimitable chronicle of the renowned and illustrious historian of New Amsterdam, Diedrich Knickerbocker: "Having resolutely thrown his gauntlet, the brave Peter struck a pair of horse-pistols in his belt, girded an immense powder-horn on his side, thrust a sound leg (the other was wooden) into a Hessian boot, and clapping his fierce little war hat on the top of his head, paraded up and down in front of his house, determined to defend his beloved city to the last." Under the circumstances of peaceful surrender by the Dutch, there was no privateering from Rhode Island in this war. Like many another European war of the same century, it spread, France joining with Holland against England. Rhode Island then undertook prompt and vigorous measures for defence against French and Dutch, and the possibility of an Indian uprising, which was feared. The militia was thoroughly organized, stores of ammunition were provided, troops of cavalry were recruited, one in each town, Indians were disarmed, inventories of private supplies of ammunition and arms were made, Newport was advised to mount "the great guns," and a series of beacons were established to spread an alarm in the event of an attack. A fire lighted on Tonomy Hill was to be the signal for other beacon fires, on the rocks at Sachusett, near Pettaquamscott and Watch Hill, from east to west; and on Windmill Hill in Portsmouth and Prospect Hill in Providence, from south to north. Much the same plan for sending warning messages was adopted dur-

ing the Revolutionary War. The enemy did not appear, perhaps because the war was soon over, 1667, although it was resumed five years later.

Upon the receipt from England in 1672 of news that a fresh war with Holland had been begun, measures were taken for the defence of the colony. On July 30, 1673, a Dutch fleet recaptured New Amsterdam. At a meeting of the General Assembly at Newport on August 13 following, Captain John Cranston was appointed commander-in-chief on the island, and provision was made for calling out the militia, should the Dutch approach Rhode Island. Pensions were ordered for soldiers wounded, and for the relatives of soldiers slain in service. Conscientious objectors were to be excused from military service in arms,\* but might be required to drive cattle and remove others' property to places of safety. The Dutch were content for the time being with regaining possession of New Amsterdam, and did not molest Rhode Island. At the end of the war, 1674, New Amsterdam was restored to England, and known thereafter as New York. During King Philip's War Rhode Island maintained a fleet of armed boats, probably sloops, on the waters about the island, to which most of the inhabitants of the colony were withdrawn. This fleet was the first Rhode Island Navy. For a century to follow, while Rhode Island soldiers fought bravely on many battlefields, the more spectacular achievements of Rhode Island in war were to be maritime.

**PRIVATEERING**—Privateering was abolished by the European nations signatory to the Declaration of Paris at the end of the Crimean War in 1856. The United States, not a party to nor bound by that agreement, issued no letters of marque during the war with Spain, 1898. Privateering no longer is sanctioned by international law; like guerilla warfare by irregular troops, it is discountenanced. In view of the clear understanding between nations in the twentieth century, it appears likely that a nation issuing letters of marque would be regarded as an outlaw, and that a privateer when captured would be punished as a pirate. The distinction betwixt pirate and privateer rested solely upon the issuing of a commission to the latter; both were sea robbers, the one preying upon allcomers, the latter commissioned against an enemy nation. Like Captain Kidd, many another pirate went to sea as a commissioned privateer, and forgot the limitations suggested by his commission when out of sight of land. Thus William Mayes, of Portsmouth, at whose house the General Assembly met June 28, 1682, some years later was cleared from the customs house at Newport "to go on a trading voyage to Madagascar, with a lawful commission to fight the French, his majesty's enemies, from the government." In the trial of a pirate named Avery, in London, Mayes was accused of piracy. In correspondence concerning this accusation Rhode Island maintained that the clearance was legal and regular, and that Avery probably had plundered Mayes. The English government was embarrassed not only by the piratical inclination of privateers, and even of armed merchant men not carrying letters of marque, but also by the "sailors of fortune" who accepted commissions from foreign nations to conduct maritime warfare against nations for the time being friendly to England. The almost intermittent European wars of the period produced a condition in which the high seas were infested by pirates and privateers. The English government had not found a way of limiting colonial letters of marque; the Constitution of the United States reached this solution so far as it has forbidden states to issue letters of marque and reprisal. In the last quarter of the seventeenth century, while all of New England was striving to maintain charter government in the face of an aggressive movement by England to suppress the charters and establish a royal government in New England, Rhode Island frequently was accused, not only of fitting out and harboring privateers "indiscreetly," but also of sending out and harboring pirates, and of being vastly more friendly to pirates than to the

\*Repealed 1677.

ministers of the English government. For the most part these accusations were without foundation in fact and were made by men of the type of Bellmont and Randolph, who were seeking pretexts for the revocation of colonial charters. It is true that Rhode Island was never enthusiastic in enforcing the English trade and navigation act, and was not delighted by the establishment of an English court of admiralty at Newport. In October, 1682, the crew of a privateer taken at sea and brought into Newport, while in prison awaiting transportation to Virginia, plotted escape and the assassination of Governor Sandford; one of the privateers, who revealed the plot in time to frustrate it, was pardoned. When Captain Thomas Paine sailed his privateer into Newport in July, 1683, his majesty's collector at the port of Boston demanded seizure of the vessel on the ground that Captain Paine's papers purporting clearance from Jamaica were forgeries. Governor Coddington refused to order the vessel seized, taking the position that the papers appeared to be regular, and that the law courts were open to try the issue suggested.

In 1684 the English government undertook to suppress piracy and privateering. On June 24 the Rhode Island General Assembly ordered a proclamation, issued by his majesty's special command, published in the town of Newport by beat of the drum, the proclamation to be read "in three of the most public places in said Newport." Furthermore the General Assembly enacted "An act for the restraining and punishing privateers and pirates." The act recited that, contrary to treaties of peace and the royal proclamations, "several of his subjects have and do continually go off from this colony unto foreign princes' services, and sail under their commissions contrary to their duty and good allegiance, and by fair means cannot be restrained from doing so," and forbade as a felony, punishable by death, without benefit of clergy, any person inhabiting the colony "to serve in America in any hostile manner under any foreign prince, state or potentate . . . against any other foreign prince, state or potentate in amity with his majesty, without special license for doing so under the hand and seal of the Governor." The act was retroactive for four years, but granted amnesty to any already in service who should leave such service before December 29. The act also ordered the arrest of pirates and persons suspected of piracy, and that "all and every person or persons that shall any way knowingly entertain, harbor, conceal, trade or hold any correspondence by letter or otherwise" with pirates be prosecuted as accessories. In 1696 the issuing of letters of marque was forbidden unless the privateer deposited a bond of £1000 as security against unlawful acts. Two years later John Easton made an affidavit to the effect that he as Governor in 1694 had refused a commission to Captain Thomas Tew, who offered £500 for it, and also that he had refused a commission to John Bankes, but that Bankes had received a commission from John Greene, Deputy Governor. Other colony officers were accused of collusion with privateers. Tew, the privateer, who was refused a commission in Rhode Island in 1694, went to Bermuda, and obtained there a commission against the French. He sailed for Madagascar, became a pirate, and established a colony in company with another pirate named Mission. Subsequently, a very wealthy man, Tew returned to Newport and repaid the owners of the vessel in which he had sailed fourteen times the value of the ship and outfit.

**BLOCK ISLAND ATTACKED**—King William's War, 1689-1697, opened in Rhode Island in July, 1689, with an attack on Block Island by French privateers or pirates. The French carried with them an English renegade, one William Trimming, who was a member of a small landing party, and who assured the Block Islanders that the vessels were English seeking a pilot to take them into Newport. Later a pilot boat was captured in Block Island Sound, and the crew was questioned as to the strength of Newport and Block Island. Newport was well prepared for defence, and the French chose Block Island for attack. One hundred fifty men were sent ashore, with arms concealed in the bottoms of their boats, the islanders were disarmed and the



FOUNTAIN SQUARE, BLOCK ISLAND



SETTLER ROCK, SHOWING NORTH LIGHTHOUSE, BLOCK ISLAND



men locked up under guard, while the pirates spent a week on the island, plundering homes, extorting concealed wealth by torture, and killing livestock. Two vessels in the sound were captured. Meanwhile news of the descent on Block Island had been spread abroad, and bonfires were lighted along the coast of Rhode Island and Connecticut as warnings. Leaving Block Island, the privateers sailed to New London, but were driven off by artillery fire from the fort. Trimming was killed in the course of an attack on Fisher's Island. Sailing eastward, the privateers were met by two armed sloops from Newport, with ninety men commanded by Captain Thomas Paine as fleet captain and Captain John Godfrey, both of whom had served as privateers and were experienced sea fighters. Captain Paine led the Frenchmen into shallow water to prevent the enemy from surrendering his two vessels, and with his company prepared to answer shot for shot, and to resist a boarding party. The latter, consisting of 200 men, were repulsed by Captain Paine and his ninety. The French casualties were estimated as 100. Captain Paine lost one man killed and six wounded. The battle lasted from five o'clock in the afternoon until the late sunset of the midsummer day, and both flotillas rode out the night at anchor close together. In the morning the French sailed away without renewing the fight, and were chased by the Rhode Islanders—two sloops pursuing two barks, two sloops and three other vessels. In the flight the French abandoned and sank, by firing a cannon shot through the hull, a vessel captured while at Block Island. The French flight was reported as precipitated when the French privateersman commanding, called Pekar, or Picquard, learned that the Newport vessels were commanded by Captain Paine. With Paine as master he had sailed as mate on a privateer, and knowing Paine, he "would as soon fight the devil as Paine." Three times afterward during King William's War Block Island was raided by French. Following the third attack the privateers were chased and captured by the "Nonesuch," an English man-of-war, near the Elizabeth Islands. The islanders themselves repulsed the fourth invasion of Block Island "in an open, pitched battle."

**EARLY PRIVATEERING**—In 1690 the "Loyal Stead," Captain Parkinson, late of Barbados, was appraised at Newport, was impressed into the service of the colony, and was sent out against the French. The "Pelican" was brought into Newport in 1696 by a Rhode Island privateer. This vessel had sailed from Boston for London in 1694, but was captured by the French privateer "Phillipi," and taken to Nantz. There she was condemned and fitted out as a privateer under Captain Vaux. The Rhode Island privateer captured the "Pelican" off the Banks of Newfoundland. Of the activities of Rhode Island privateers in more remote waters no records have been preserved. Except the depredations by French privateers upon colonial commerce, and by English and colonial privateers on French commerce, King William's War in America was confined principally to the border line between French Canada and the English colonies, with Indian allies assisting both French and English. In 1690 the Governor of New York appealed to all the colonies for assistance in the defence of Albany, then an outpost on the frontier. Rhode Island offered to raise and send a fair proportion of money to assist New York, but refused to send men, because of the exposed position of Newport and the need of men for home defence. When, two years later, the English government ordered a conference of colonial delegates to consider measures for common defence, Rhode Island was not represented, because the notice of the conference was received on the day set for the meeting, and it was a physical impossibility then to reach the conference. In a reply to his majesty, explaining the apparent but unintended neglect, Rhode Island recalled Captain Paine's exploits off Block Island, and the need of constant defence of Narragansett Bay. It was asserted that a French privateer which had visited neighboring waters after the frigate "Nonesuch" had been withdrawn, had been driven off by a Newport brigantine commanded by Peter Lawrence. Rhode Island's quota for the defence of New York was fixed at forty-eight men, but Rhode

Island declined to send these because of the refusal of Massachusetts to run the eastern boundary line, and thus apportion the quota equitably, Rhode Island holding that the quota could not be drawn fairly while Massachusetts continued to hold territory assigned to Rhode Island by the Charter. No mention was made of the probably large number of Rhode Islanders serving as privateers, which was, without doubt, the real reason why it was felt that the forty-eight men could not be spared for New York. Rhode Island again offered to send money instead of men, and eventually was sustained in this position, although New York did not accept the tender.

Sir William Phipps, who had been appointed Royal Governor of Massachusetts, undertook in 1692 to take over command of all New England militia. Rhode Island refused to surrender colony control of the militia, assured under the Charter of 1663, without sight of the commission under which Phipps claimed authority. In this position Rhode Island was sustained by the English Council of State, which held that each colony controlled its own militia except when and unless the militia had been called out for the common defence, in which event the militia detachments might be placed under a general command for strategic purposes. The decision suggests the provision in the federal Constitution which reserves control of the militia to the states unless and until the militia is called into the actual service of the nation. Rhode Island had no part as a colony in the inglorious expedition of Sir William Phipps against Quebec, ending in precipitate flight after a demonstration of strength by Count Frontenac. Except the gallant exploits of Captain Paine and Captain Lawrence, and the measures taken to establish a cordon for defence around Providence because of a rumor that an Indian invasion was threatened, Rhode Island's part in King William's War was principally through privateering far away from Narragansett Bay, there being little of French commerce near at hand to suggest an area for profitable operations. In offering New York money for defence, instead of men, Rhode Island did more than most of the colonies; the colonial response to this effort to unite them in a common cause was almost disheartening. The French threat from Canada was not strong enough, and it was too remote in King William's War, to furnish a compelling motive for effective coöperation.

QUEEN ANNE'S WAR—Queen Anne's War against France and Spain opened by declaration on May 4, 1702. Two days later, although news of the declaration of war did not reach Rhode Island until July, the General Assembly ordered the construction of a fortification or battery of twelve guns "in some convenient place near the harbor of Newport." Goat Island was selected, the fort was called Fort Anne and paid for in part from the Queen's tenth share, £170, in prizes brought into Newport by privateers, of which four were mentioned in the record for June 22, 1703. The charges of maintaining a garrison were obtained in part by levying a charge of one pound of powder per ton on vessels entering the harbor. In September, 1702, Colonel Joseph Dudley, Royal Governor of Massachusetts, renewing the attempt to obtain direct control of the Rhode Island militia, encountered refusal at Newport and acquiescence in the King's Province at Narragansett. Major Martindale, in command at Newport, excused his unwillingness to order out his regiment to take an oath to support Dudley, on the ground that his commission authorized him to act only under direction of the General Assembly, which, as it was not in session, had given no order. Subsequently Rhode Island contributed generously of money, men and vessels to the several expeditions against Canada that were undertaken as joint colonial enterprises during this war.

Aggressive measures, additional to those for defence, were also taken. Captain William Wanton, of Portsmouth, was commissioned in July, 1702, as commander of the "Greyhound," brigantine, 100 tons, mounting twelve cannon and carrying one hundred men. Two months later the "Greyhound" sailed into Newport harbor with three French prizes, taken on a cruise

to the Gulf of St. Lawrence. The French vessels had a total tonnage of 720, and mounted 54 cannon. Their cargoes were dried fish. The Queen's tenth share in the prizes was applied first to supporting the "Greyhound's" prisoners, and afterward to the expense of building and arming Fort Anne. Four prizes, taken from French and Spanish, were brought into Newport in 1703. Two years later the "Charles," brigantine, Captain John Halsey, arrived with a Spanish prize. Captain Halsey's commission had been issued in November, 1704, after her majesty had abolished the colonial court of admiralty established at Newport in 1694. Nathaniel Byfield, Judge of Admiralty in the English court at Newport, at first refused to condemn the prize, alleging that the commission was illegal. The General Assembly thereupon passed an act declaring that the Governor had power to issue letters of marque, resting the authority therefor upon the war powers specified in the Charter, which clearly indicated a direction to take up arms against and conduct military and naval enterprises against the colony's enemies. Judge Byfield appealed to Governor Dudley, of Massachusetts, and was advised by Dudley to condemn the prize and cargo, lest both be taken by force by the men of Newport. In a report to Sir Charles Hedges, Principal Secretary of State, Judge Byfield charged that his life had been threatened, and that there had been a forcible demonstration in his court. In June, 1706, a French privateer captured a sloop loaded with provisions near Block Island. Under the Governor's direction Captain John Wanton, with two sloops and 120 men, assembled as volunteers within two hours, put out from Newport and pursued the Frenchman. Three hours later they captured the privateer. Judge Byfield condemned this prize without charging the usual court fees "in order to encourage so brisk an action." Again, in 1708, Captain William Wanton, with two armed sloops, sailed from Newport in search of French privateers, which had taken two prizes near Martha's Vineyard. The French were compelled to abandon their prizes, and flee. The achievements of the Wantons did much to sustain colonial enthusiasm. Their methods, applying strategy to the capture of vessels of superior tonnage and armament, furnished the themes for many a romantic sea tale related in old Newport, and fascinated the youth, who thereupon sought adventure at sea in increasing numbers. In a particular instance, when the Wantons sought the capture of a French privateer larger and better armed than any colonial vessel available, the Newporters reached the enemy's cruising grounds in the daytime, and at night rowed silently in a yawl to his anchorage. There they inserted wedges between the rudder-head and sternpost of the French ship. In the morning they approached the French vessel from a quarter not covered by the guns, as the steering gear was disabled, and compelled surrender. On another occasion, wanting a vessel suitably armed, the Wantons carried a heavily armed crew concealed below the decks of a sloop, sought a French privateer, and pretended flight. When stopped by a cannon shot, the Wantons brought their small vessel alongside the Frenchman, and poured a large boarding party upon the decks. The French crew was driven below, and the vessel was captured.

Rhode Island also furnished troops for the small army led by Captain Church against the Indians to the eastward, and supported vigorously the several expeditions undertaken against the French in Canada, though maintaining unalterably the exclusive right to control the militia within the colony. In 1704 a tax of £700 was levied "for the defence of her majesty's interest in said colony, and paying the volunteers that are gone out on her majesty's service to the eastward against the French and Indians, her majesty's enemies." Early in the following year, forty-eight men were enlisted, and another tax of £500 was levied, to maintain this force as the colony's quota in Dudley's army. In a reply to charges made by Dudley and Lord Cornbury of New York that Rhode Island was not coöoperating in the war, the colony answered under date of March 26, 1705-1706, that colonial quotas of men had been exceeded, and that in seven years more than £6,000 had been expended "in fortifying and other charges occasioned in maintaining and defending her majesty's interest against the common enemy, and

support of the government." Rhode Island contributed liberally of men and money and ships to four expeditions against Canada. Early in 1706-1707, upon receiving from Dudley request for aid in an attack on Canada, the General Assembly authorized the Governor to impress a vessel of not exceeding eighty tons, and arm and equip it. The Rhode Island sloop "Bathsheba," Captain Cranston, 8 guns, 26 men, accompanied the expedition. Command of troops was offered to Major William Wanton or Captain John Wanton, if either could be persuaded to accept it; otherwise to some other acceptable to the troops. The Governor was also authorized to enlist not exceeding eighty volunteers, or to make up the number of volunteers by impressing not exceeding forty-eight men. This expedition, led by Dudley against Acadia, was repulsed at Port Royal, and returned to New England early in the summer of 1707. Early in 1709 another expedition against Canada was planned, and Rhode Island entered vigorously into the preparations. Major William Wanton, Major Henry Tew, Colonel John Wanton, Job Almy and Captain John Brown were appointed as a war council to aid the Governor. Two sloops, the "Diamond" and the "Endeavor," were fitted out. Captain Edward Thurston was appointed as commissary and quartermaster. Two hundred men were raised and drilled, and the Rhode Island contingent, under Colonel William Wanton, sailed for Nantasket, the rendezvous, on June 19, arriving three days later. The colonial troops and fleet raised for this expedition remained near Boston until October, awaiting the forces promised by England. England suffered a defeat in Spain, and the colonial forces were disbanded. The proceeds of the sale of lands in the Narragansett country were applied to the expenses of this expedition. Still another expedition against Canada was fitted out in 1710. Rhode Island undertook to raise 145 men, including forty-three Indians, besides a commissary, a pilot and eight sailors, Lieutenant-Colonel John Wanton commanding. The General Assembly voted to raise £5,000 by an issue of colony notes, the first paper money in Rhode Island. Massachusetts, Connecticut, New York, and New Jersey had issued paper money in connection with the preceding expedition. Three Rhode Island vessels were among the twenty-four transports, which were escorted by an English fleet of twelve ships. Sailing from Nantasket on September 18, the expedition reached Port Royal on September 24. The fortress capitulated on October 2, and was left in charge of a garrison. The name was changed to Annapolis Royal in honor of the Queen. In the following year, another expedition was outfitted to undertake the conquest of Canada. Rhode Island's quota was 179 men, besides vessels and stores, including no small part in provisioning the English fleet, which arrived without stores. Another issue of paper money, £6,000, was authorized. The fleet, including fifteen English ships of war and forty transports, carried 5,000 British troops, fresh from Marlborough's army, and 2,000 colonials. Another contingent, some 1,500 colonials, marched from Albany toward Quebec. The warships reached the St. Lawrence, but the transports were delayed by a storm, which destroyed many vessels. One thousand men were drowned. The expedition was abandoned. The war ended in Europe while the colonies were clamoring for another expedition against Canada. The war had been expensive, entailing losses of men and waste of resources. England had begun the accumulation of a national debt. In America five colonies had undertaken to finance the war by issuing paper money, which represented an unpaid debt, besides establishing a bad precedent and inaugurating an unsound financial system. The colonial debt, accumulated in a quarrel not of colonial making, and, as it involved in Europe principally a question of succession to the Spanish throne, not essentially a matter of colonial interest, should not be forgotten, in view of later effort by the mother country to enforce a sharing by the colonies of the English national debt. In Queen Anne's War the mother country was not defending the colonies, so much as the colonists were engaged in fighting England's battles.

Privateering ended with the declaration of peace, but piracy continued until modern navies practically banished it from the high seas. In the eighteenth century piracy flourished along

the trade routes adjacent to East and West Indies, the pirates being attracted thither by the prospect of rich captures. Occasionally pirates ventured into other waters. The "Ranger" and the "Fortune," pirates, captured the ship "Amsterdam Merchant," John Welland, Master, May 8, 1723. In June the same pirates captured a Virginia sloop, and after selecting plunder, released her. The sloop reported the outrage to H. M. S. "Greyhound," Captain Solgard, 20 guns. The man-o'-war followed the pirates and overtook them near the easterly end of Long Island. In the naval battle that ensued the "Greyhound" captured one of the pirates, and took the crew of thirty-six men into Newport, where they were lodged in the jail. June 18th the General Assembly ordered a detachment of the militia to guard the prison and prevent an escape. The pirates were tried at Newport and twenty-six were hanged on Gravelly Point, opposite the town of Newport, on July 19, 1723. In 1729 the General Assembly ordered the purchase of "arms sufficient for the equipping and fitting out of a vessel, in case of an attack of an enemy by sea" as a "defence against privateers, pirates, etc., who often come upon this coast and do great damage to his majesty's good subjects in this colony." The purchase was to include "100 pistols, 100 cutlasses, enough muskets to make 150, 40 half pikes, and 12 good guns with carriages fitting and suitable for a sloop or other vessel." It was also voted to ask his majesty to "bestow upon this colony a suitable number of guns for the fort," and to repair the fort. The fort was further repaired in 1732, and in 1733 a committee was appointed to examine the fort and to report what guns were needed. The colony appropriated £4000 for the purchase of cannon for the fort.

**WAR WITH SPAIN**—The peace of a quarter of a century following Queen Anne's War was broken in 1739. In August the Governor was authorized to issue letters of marque "as he shall think needful and necessary," in the war with Spain. Small arms, pistols, cutlasses and great shot from the colony stores were loaned to Godfrey Malbone, John Brown and George Wanton to assist them in fitting out "their private men-of-war." On February 26, 1739-40, the General Assembly ordered (1) the enlistment of a garrison for Fort George; (2) repairs on the fort; (3) a garrison for Block Island; (4) mounting of six great guns at Block Island; (5) building of watch houses at places along the shore, and maintenance of a watch; (6) "that a good sloop be forthwith built for the use of this colony, for the defence thereof, not exceeding 115 tons, in the best shape it can be built." This was to be the famous colony sloop "Tartar." In June work on the "Tartar" was hastened, and she was rigged, armed and equipped, with a complement of twelve carriage guns and twelve swivel guns. Her decks were broad, and she carried so large a crew that the colony waived its right to share the first prize money, and ordered it added to the share of the crew. The first cruise resulted in the capture of a French schooner, which Captain John Cranston brought into Newport. In May soldiers for an expedition against the Spanish West Indies were enlisted, the colony offering a bonus to encourage volunteers. In July the quota assigned to Rhode Island was reduced to two companies of 100 men each. Commanded by Captain Samuel Dunn (later by Captain Joseph Sheffield) and Captain William Hopkins, they sailed for Jamaica in two transports provided by the colony to join the British and other colonists. The expedition was repulsed in an attack on Cartagena, and the ravages of yellow fever reduced the effective fighting force by one-half. Captain Hopkins returned to Rhode Island to raise reinforcements for a new campaign, contemplating an attack on Cuba. Again the colony called for volunteers and offered a bounty. The "Tartar" was assigned to transport duty and carried fifty-three men to Cuba. The expedition against Cuba was abandoned. Of the 253 Rhode Island soldiers enlisted, only twenty returned, most of the remainder having died of yellow fever.

Of privateers fitted out in and sailing from Rhode Island during King George's War there is no complete list. Sheffield, in "Privateersmen of Newport," named vessels and cap-

tains as follows: 1741—"St. Andrew," Charles Davidson; "Revenge," James Allen; "Wentworth," Esek Hopkins; "Triton," W. J. Bonfield; "Victory," Joseph Power; "Tartar," Benjamin Wickham; "Tartar," Daniel Fry. 1742—"Revenge," Charles Dyer; "Castor," Hugh Wentworth; "Pollux," Richard Woolford; "Fame," John Griffiths; "Young Eagle," Sueton Grant (owner). 1743—"Prince Frederick," William Hopkins; "Mary," William Wilkinson; "Prince William," William Allen; "Hunter," Michael Clarke; "Prince Frederick," John Dennis; "Cæsar," John Griffiths; "Young Godfrey," Nicholas White; "Triton," Thomas McFarland. 1744—"Cæsar," John Griffiths; "Success," John Ellis; "Duke of Marlborough," Robert Morris; "King George," Benjamin Cranston; "Prince William," William Allen; "Prince Frederick," John Dennis; "Revenge," James Allen; "Hector," James Thurston; "Queen of Hungary," Nathaniel Potter; "Phoenix," William Bennett; "Prince Charles of Lorraine," Simeon Potter. 1745—"Molly," Thomas Fry; "Prince of Wales," Thomas Brewer; "Ranger," Christopher Bennett; "Success," Peter Marshal; "Defiance," John Dennis; "Queen of Hungary," Thomas Conklin; "Brittania," William Allen; "Fame," Thomas Thompson; "Queen Elizabeth," Isaac Doubt; "Hector," William Higgins; "Reprisal," John Hopkins; "Duke of Marlborough," Benjamin Carr; "Defiance," John Townsend; "Mary," George Darricott; "King George," Nathaniel Sweeting. 1746—"Charming Betty," Thomas Fry; "Duke of Cumberland," Peter Marshall. 1747—"Patience," Robert Brown; "Prince Frederick," Ebenezer Trowbridge; "Defiance," John Sweet; "King George," William Richards; "Mary and Ann," John Maudsley; "Reprisal" (180 tons), William Dunbar; "Reprisal" (90 tons), Joseph Arnold; "Lee Friggott," Latham Stanton; "Jonathan," John Dennis; "Henry," Orthaniel Tarr. 1748—"King George," John Maudsley; "Rebecca," Robert Gibbs; "London," Robert Morris. The privateers were of varying size and different rig and armament. The "Prince Frederick" was a brigantine, mounting eighteen carriage guns, thirty swivels, and eighteen blunderbusses; she carried a crew of 130 sailors, besides officers. The "Reprisal" was a brig, carrying a crew of seventy sailors. Two large privateers, each mounting twenty-two cannon and carrying over 200 men, were built by Godfrey Malbone in 1745. Commanded by Captain Cranston and Captain Brewer, because the horoscope indicated that day, they sailed from Newport on December 24, in spite of a violent winter snow storm that was lashing the coast. Neither vessel was heard of afterward; probably they were wrecked in the storm at sea, with loss of all on board.

Rhode Island privateersmen were captains courageous. The privateer "Revenge" made no less than a dozen captures, including the "Three Sisters," "Great Royal," "St. Joseph," "Dove," "Angolae," "Fortune," "Cæsar," "Brittania," "Asboth," "William Galley," "Compt Toulouse," and a Spanish ship of 350 tons; the "Prince Frederick," no less than nine, including "Serena," "Unfrow Sara," "St. Pierre," "Senior," "San Joseph and San Nicholas," "St. Jacques," "Victorine," and two other vessels not named; the "Defiance," no less than eleven, including "Young Johanna," "Snow Willis," "De la Conceptione," "Delaware," "New Britain," "Elizabeth," "Postilion," "Catherine," a French ship, a sloop, and one other vessel. The "Defiance" was a brigantine; on March 21, 1745-1746, she brought into Newport a French ship mounting twenty guns, with eighty-two men, and a cargo consisting of 500 hogsheads of sugar, 57 hogsheads of indigo and other valuable effects. The French ship, with two other armed vessels, was attacked by Captain Dennis of the "Defiance," who sent a boarding party against the largest vessel. The others sailed away while Captain Dennis was completing the capture. The "Defiance" lost fifteen killed and fifteen wounded. Of those killed seven were white men, and eight were negroes. The enemy had twenty killed and twenty wounded. The fortunes of the privateers, like those of war, were variable. The brig "Cæsar," Captain Griffiths, was wrecked on the west end of Bermuda, and the captain and crew were castaways for three months; after being rescued they sailed on another privateer from Bermuda. The

similarity of names indicates that many of the vessels captured by privateers were refitted and sent out as privateers with letters of marque issued by Rhode Island. Vessels designed as privateers were of special construction, built long for carrying a heavy armament, and light and narrow for speed and facile manœuvring. They easily outsailed merchant vessels of equal tonnage, and, carrying heavier guns than armed cargo ships, could inflict damage from a range beyond the carrying power of the cannon of the latter. The privateers usually carried large crews, both for the purpose of handling sail quickly in manœuvring and for the purpose of furnishing large boarding parties, whereby to overwhelm the crews of vessels overtaken. From the large crews of the privateers were drafted the prize crews placed on board captured vessels and sometimes dispatched to the nearest friendly port, while the privateer continued its cruise. Crews shared with owners and officers in the division of prize money, a practice that furnished ample motivation for enlistment, for desperate adventure and daring combat. Enlistment with successful privateer captains was sought with much rivalry. The opportunity for employment as sailors on privateers drew large numbers of "lusty fellows" to Rhode Island during this period. Other colonists complained that their man power available for enlistment or impressment was depleted seriously by the departure of young and vigorous men for Rhode Island. The rich spoils of privateering were vastly more attractive than the low wages paid for soldiering; and, besides that, except when engaged in actual combat, the privateer sailors were little oppressed by discipline. They lived a carefree life, were reasonably well fed and cared for in order to maintain physical vigor, and enjoyed the open life upon the ocean. As a rule, a soldier returned from the wars broken in health if service were lengthy, and with little of wealth to reward him for his effort; on the other hand, the privateer seldom returned empty-handed. Even in instances in which privateering ventured into the forbidden realm of piracy, those who returned were not dishonored. On occasion the Governor of Rhode Island did not deny that certain pirates sought by English government officers were in Rhode Island; indeed, he admitted that they probably were on the island of Rhode Island, but asserted his inability to locate and arrest them because they were attended by friends who gave ample warning in moments of danger.

"PRINCE CHARLES OF LORRAINE"—One of the most famous of Rhode Island privateers was the "Prince Charles of Lorraine," Captain Simeon Potter, which sailed from Newport, September 8, 1744. Of the four owners, Sueton Grant, Nathaniel Coddington, Jr., Peleg Brown and Captain Potter, the first two were killed in an explosion at Newport while they, with John Gidley, who also was killed, were inspecting a privateer. The "Prince Charles" reached Oyapok, at the mouth of the Oyapok River, "twelve leagues to windward of" Cayenne, on October 28, and attacked and captured the fort, with twenty prisoners, six cannon and small arms. Oyapok and Cayenne were both in French Guiana, although the story sometimes told of this voyage of the "Prince Charles" credits Captain Potter with having desolated 1,500 miles of the Spanish Main. He did not reach the Spanish Main; the last South American port touched by the "Prince Charles" before sailing for home was at Surinam, Dutch Guiana. In the assault on the fort, Captain Potter was wounded in the left arm while leading his men. After the fort was taken, houses in the town were plundered and burned, and expeditions were sent up the river to plunder the plantations, meeting little resistance. Leaving Oyapok, the "Prince Charles" sailed for Cayenne. Landing parties were sent up a river in the neighborhood; when one of these came to grief, Captain Potter arranged for an exchange of prisoners with the commandant of the fortress, before sailing for Surinam. There the captain sold his plunder at "public vendue," himself becoming the purchaser of much of it. Subsequently the widow of Sueton Grant, one of his partners, sued Captain Potter for misappropriation, but failed to recover. Among those taken captive by Captain Potter, and subsequently exchanged

was a Roman Catholic priest, a Jesuit missionary, Father Fauque, whose letter to his Bishop contains "an account of the capture of Fort d'Oyabok by *an English pirate*." A few passages from this letter\* follow:

"Their chief was Captain Simeon Potter, a native of New England, fitted out to cruise with a commission from Williams Gueene, Governor of *Rodelan*, and commanding the vessel 'Prince Charles of Lorraine' of ten cannon, twelve swivel guns and a crew of sixty-two men. . . ." The letter then described a surprise attack on the fort at night. "Our commander, however, fired and wounded in the left arm the English captain, a young man about thirty years of age. What is singular, the captain was the only one wounded on either side." The letter then related the missionary's fears lest there might be a profanation of the Holy Sacrament, and his visit to the church at daybreak. "As soon as day dawned I ran to the church, creeping through the underwood; and, although they had sentinels and marauders on every side, I had the good fortune not to be seen. As I entered the sacristy, which I found open, tears filled my eyes when I saw the cupboard for the vestments and linen, where I also kept the chalice and the sacred vessels, broken open and shattered, and many of the vestments scattered here and there. I went into the choir of the church, where I saw the altar half uncovered, and the cloths thrown together in a heap." Very much to his surprise, Father Fauque found the tabernacle undisturbed, and himself consumed the Host, according to the Church practice, to protect it from sacrilege. On leaving the church he was arrested and was taken to the fort. "The first one who approached me was the captain himself. He was a man small in stature, and not in any respect differing from the others in dress. He had his left arm in a sling, a sabre in his right hand, and two pistols in his belt. As he was acquainted with some words of French he told me that I was very welcome; that I had nothing to fear, as no one would attempt my life. . . . At length dinner-time came. I was invited." The missionary then related a conversation with Captain Potter, in which the latter explained that the attack had been undertaken as a reprisal against the King of France. Captain Potter refused to negotiate for a ransom of the prisoners and plunder, but offered to entertain a proposal for the surrender of the fort and adjoining territory. The conversation closed with the remark "we must continue our depredations and make reprisals for all that the French have done against us." "They continued, therefore, to transport from our houses furniture, clothes, provisions, all with a disorder and confusion that was remarkable. What gave me the deepest pain was to see the sacred vessels in these profane and sacrilegious hands. . . . On the same day all the silver was packed up and carried aboard the vessel." The missionary related that he remained a captive without undertaking to escape because he had given his parole and also because he "had some slight hope that I might recover the sacred vessels, or at least the vestments and other furniture of my church. As soon as it was day the pillage recommenced, with the same confusion and the same disorder as the day before. Each carried to the fort whatever happened to fall into his hands, and threw it down in a pile. One arrived wearing an old cassock; another a woman's petticoat; a third with the crown of a bonnet on his head. It was the same with those who guarded the booty. They searched in the heap of clothes, and when they found anything which suited their fancy—as a peruke, a laced chapeau, or a dress—they immediately put it on and made three or four turns through the room, with great satisfaction, after which they resumed their fantastical rags. They were like a band of monkeys or of savages, who had never been away from the depths of the forest. A parasol or a mirror, the smallest article of furniture a little showy, excited their admiration. This did not surprise me, when I learned that they had scarcely any communication with Europe, and that *Rodelan* was a kind of little republic, which did not pay any tribute to the King of England, which elected its own Governor every year, and which had not even any silver money, but only notes

\*From a translation; see Professor Munro's "Tales of an Old Seaport."

*for daily commerce.*" The missionary reported that most of the sailors were drunk and continued drinking, but that the officers remained sober. Captain Potter explained that he regretted the conduct of his sailors, but was constrained to permit them the utmost of liberty. The missionary related a conversation, in the course of which he was asked numerous questions about his religious faith. The missionary was taken aboard the ship, which had run aground on a shoal of the river, and there talked with a member of the crew, and the surgeon, both of whom professed to be Irishmen and Roman Catholics. He was kindly treated by Captain Potter, who was described as "entirely sober," though the members of his crew were, for the most part, drunk. Captain Potter, on November 5, explained to the missionary the ceremonies in observance of Guy Fawkes day. On Sunday the missionary "waited to see some religious service," but was told by Captain Potter "that in their sect each one worshipped God in his own way; that they had among them, as elsewhere, the good and the bad, and that 'he who acted right would be approved.'" The missionary saw Captain Potter take out of his chest a book of devotion, "and I noticed that, during this day and the following Sunday, he occasionally looked at it." The Captain told the missionary one day "that he did not wish longer to pursue the business of privateering; that God might today give him property, which, perhaps, might shortly be taken away from him by others; that he was well aware he should take nothing away with him in dying." The missionary continued: "Nevertheless, I should not expect to find more piety in a French, or even in a Spanish, privateer, than I saw in his ship; because these sorts of armaments were scarcely compatible with the exercises of devotion." The missionary described the condition of his church as he revisited it after the raid. "I was not able to restrain my tears and sighs on seeing the altars overturned, the pictures torn, the sacred stones broken in pieces and scattered on every side." His captors explained "that they were very sorry for all this disorder; that it was done contrary to their intentions by the sailors, the negroes and the Indians, in the excitement of pillage and the heat of drunkenness." Nevertheless, the privateers undertook to frighten the missionary, by a display of force, into revealing the hiding place of an alleged large sum of money, which he was accused of concealing. Failing in that, they burned the village and the church before embarking. The missionary described the sending of parties to attack Macouria and Cayenne, and Captain Potter's preparations to resist an attack on his ship, should that be attempted while the boats were away. "He was thoroughly armed as a privateer: sabres, pistols, guns, lances, grenades, balls filled with bitumen and sulphur, grape-shot—nothing was wanting." The longboat, with ten men, had been captured by the French. The missionary then understood Captain Potter's reasons for carrying his prisoners away from Oyapok; they were held as pawns for exchange or for ransom. Father Fauque was held for a ransom of 2000 piastres. Eventually Captain Potter sent his own prisoners, including Father Fauque, ashore, and the latter negotiated an exchange of prisoners. In his own stories of his adventures, told subsequently to hero-worshipping audiences, Captain Potter's expansion of this raid reached the proportions of the desolation of 1500 miles of enemy territory. Because of alleged irregularities to the extent of violating laws of civilized warfare, an investigation was ordered by the British government in the court of admiralty. The judge found "nothing in the case but that Captain Potter had been more enterprising and accomplished more in his majesty's service, considering the means at his disposal, than any other of his majesty's subjects." The plunder actually taken, as described by a witness in the admiralty court, included: Seven Indians, three negroes, twenty large spoons or ladles, nine large ladles, one gold and one silver-hilted sword, one gold and one silver watch, two bags of money, chests and trunks of goods, gold rings, buckles and buttons, silver candlesticks, church plate both gold and silver, swords, four cannon, sixty small arms, ammunition, provisions, etc. Shortly after returning from this voyage, the "Prince Charles of Lorraine" was wrecked on the rocks near the ocean entrance to the Seacownet River.

In 1746 an escapade of two privateers, the "Defiance," Captain John Dennis, and the "Duke of Marlborough," Captain Robert Morris, was investigated by a committee of the General Assembly. Twenty-two Spanish nationals, Creoles, natives of the West Indies, not slaves, had been seized by the Rhode Islanders, and sold as slaves in New England. Under the laws of the war at the time, nationals not slaves and not taken in arms were exempt from seizure. Slaves could be captured as property; nationals in arms could be taken for resistance. When the French recaptured a ship and the prize crew placed on it by Captain Dennis, the Rhode Islanders were placed at work in chains in Havana. One of the crew was released for the purpose of carrying a message to Rhode Island. While an investigation was being made Dennis was forbidden clearance from Rhode Island. On report by its committee, the General Assembly ordered the Spaniards sought out and returned to Cuba, thus procuring the release of the Rhode Islanders. Captain Dennis was an enterprising and usually a successful privateer. In a letter from St. Kitts in August, 1746, he was reported as having retaken from a French privateer an English ship of sixteen guns, and carried her into St. Kitts. The engagement lasted several hours, Captain Dennis fighting the privateer and the prize crew on the English vessel. Two of his men were killed, and Captain Dennis and seven of his men were wounded. The privateer escaped capture. In June, 1747, he was reported from St. Christopher as having taken four or five French privateers near the Leeward Islands, one a vessel mounting fourteen guns and carrying 140 men. In the Old French War he sailed from Newport as commander of the privateer "Foy," and never was reported afterward.

**WAR WITH FRANCE**—With France drawn into the war in Europe as an ally of Spain, and with the prospect of French activity to follow on the American seaboard, additional precautions were taken in Rhode Island to strengthen the defences of Narragansett Bay and Block Island, and to increase the efficiency of the militia. The Newport Artillery, oldest of Rhode Island chartered commands, had been organized in February, 1741-1742. In 1744 an "artillery company of the county of Providence" was chartered. These artillery companies were forerunners of the famous Rhode Island batteries that Rhode Island furnished in large number for the war between the states. Fort George was enlarged, and the fortification on Block Island was strengthened. The colony sloop "Tartar" was refitted and newly armed with heavy cannon, and manned with a crew of ninety sailors. Even before news of the French proclamation of war reached New England, French privateers from Cape Breton and elsewhere on the French coast began active operations, and almost brought the English and American fisheries to an end. Raids upon the New England coast by French privateers were anticipated. The colony sloop "Tartar" was ordered on patrol duty, with a sloop-of-war owned by Connecticut, cruising "as far eastward as Martha's Vineyard and as far westward as Long Island extends, and to continue said cruise from the time of sailing until the first day of October next." Later the patrol was continued to October 30. Captain Daniel Fones and Lieutenant John Stafford were given command of the "Tartar."

In 1745 Rhode Island was invited to send commissioners to a conference called to meet at Albany to consider plans for the common defence; the invitation was received too late to make representation possible. Early in the same year New England prepared to carry the war into French territory as the strategy most likely to insure relief from French raids. An expedition against Louisburg, a strong French fortress at Cape Breton, was planned. New York, New Jersey and Pennsylvania were invited to participate; they contributed money, but no ships or men. Rhode Island, Connecticut and Massachusetts made vigorous and effective preparation, sparing no effort to make the enterprise successful. Because of the fact that the colonial forces were organized in regiments, included in which were companies of more than one colony, Rhode Island, whose troops were in part assigned to Massachusetts and in part to

Connecticut regiments, has not been given deserved credit for the relatively large contributions of men made to this expedition. No less than 350 Rhode Islanders served with the troops of Massachusetts, and 150 with the Connecticut forces. The general command was given to William Pepperell, of Maine. Rhode Island was most conspicuous because of the achievements of her sailors. Immediately upon receiving a request from Governor Shirley, of Massachusetts, for aid in the expedition against Louisburg, the colony sloop "Tartar," Captain Daniel Fones, Lieutenant John Cahoone, was outfitted with 130 men. Later the force on the "Tartar" was reduced to ninety, when the colony raised 150 soldiers additional to the 500 with Connecticut and Massachusetts, and hired another vessel to serve with the "Tartar" as a transport. The Governor was authorized to lay an embargo on vessels departing from Narragansett Bay "from time to time, and at all times hereafter when the same shall to him appear needful." The purpose of this measure was to prevent the departure of sailors while enlistment or impressment was in progress. Arms, ammunition and supplies were purchased, bounties for enlistment were offered, and soldiers were promised pay and sustenance, including "half a pint of rum per day." On request of Massachusetts, Godfrey Malbone was permitted to enlist 350 men in Rhode Island to join the troops from Massachusetts and serve under Massachusetts pay; to encourage enlistment for this service Rhode Island offered a bounty. In May 150 additional men in three companies, were enlisted for service with the Connecticut regiment, Rhode Island as before offering bounties. The brigantine "Success" was engaged as a transport. For this quota, failing voluntary enlistment, impressment was ordered of transient seafaring men, of persons having no certain place of abode, and of persons having no visible means of gaining their living. The rendezvous was at Canso, near the strait of the same name separating Cape Breton from Nova Scotia. On the way thither the "Tartar," which, with the Connecticut sloop-of-war, was convoying transports, captured the "Deux Amis," French brigantine. The colony sloop participated in the capture of the ship "Heron," a rich prize. The "Tartar" also fought a brief naval engagement with the "Renommee," a French frigate, carrying dispatches for France, and mounting thirty-six cannon. Having engaged the "Renommee" for the purpose of diverting attention from the transports under convoy to himself, Captain Fones simulated slow flight, until he had drawn the enemy so far away from the transports as to give the latter a reasonable opportunity for escape. He then led the French frigate on a merry chase until the latter was constrained to abandon the pursuit because its most urgent mission was as a dispatch carrier. The strategy of Captain Fones was completely successful; he rejoined the transports and convoyed them safely to the rendezvous. At Louisburg the colonial army under Colonel William Pepperell surrounded the fortress on the land side and a detachment from the West Indian squadron, Commander Peter Warren commanding, closed the circle on the water side. When Commodore Warren captured the French "Vigilante" man-of-war the vessel was sent to Boston to be refitted and Rhode Island was requested to enlist 40 sailors and 200 marines to man the vessel for service during the siege. Bounties were offered by Rhode Island for enlistment of soldiers and sailors; to insure the securing of forty sailors for the crew a strict embargo was placed on all vessels leaving Narragansett Bay, and the impressment of forty sailors within twenty-four hours was ordered. The task was accomplished.

SIEGE OF LOUISBURG—Meanwhile the siege was being conducted resourcefully. The French undertook to raise the siege by sending reinforcements to the garrison. The French siege of Annapolis was ended, and the troops withdrawn were sent up the Bay of Fundy. The plan was to cross from Chigneto Bay to Bay Verte, taking transports thence through Northumberland Strait for Cape Breton, and attacking Colonel Pepperell's troops from the rear. Had the expedition been able to land on Cape Breton, the siege must have been raised, inas-

much as Colonel Pepperell's effective forces had been reduced considerably by camp diseases. The French forces were sufficient probably to defeat the colonials. To Rhode Island belongs the credit for defeating the French reinforcements and insuring success for the Colonial troops when disaster threatened. At the critical moment in which victory or defeat depended upon decisive action, Captain Fones, on the "Tartar," was dispatched on June 5, as fleet captain with two other armed sloops to seek out the enemy, estimated at 1,200 French and Indians. The forces under Captain Fones could not have exceeded 500 men, and probably were nearer 400. The French squadron comprised two schooners, two sloops, a shallop and probably fifty canoes. Captain Fones fell in with the French squadron at Famme Goose Bay, in the Gut of Canso, attacked vigorously and dispersed the enemy. He won so complete and signal a victory that the relief expedition was abandoned forthwith. Two days after the Rhode Island victory at Famme Goose Bay, Louisburg surrendered on June 17, 1745, after a siege lasting seven weeks.

Rhode Island's significant part in the capture of Louisburg, including the decisive action at Famme Goose Bay, was ignored or misrepresented in reports to the English government. The victory at Famme Goose Bay was not mentioned in the official dispatches. Rhode Islanders did not participate in the honors showered on Pepperell, Warren and Shirley. On the other hand attention was directed to Rhode Island's apparently small share in furnishing men, ignoring the 500 serving with the troops of Massachusetts and Connecticut. Rhode Island was accused of harboring deserters and of being a haven for sailors who fled from Boston to escape impressment. Governor Shirley's attitude was as ungrateful as had been that of any of the Massachusetts magistrates in the early days of the colony in their treatment of Roger Williams and others. To offset the misinformation reported in London, special instructions were sent to the colony agent in London, including details of service. The English government repaid Rhode Island £6,000 as reimbursement in part for expenses incurred in the expedition against Louisburg. Governor Roger Walcott of Connecticut was vastly more appreciative and generous than Shirley. Under date of November 15, 1745, Governor Walcott certified: "That the colony of Rhode Island fitted out for the expedition against Cape Breton their guardship, the 'Tartar,' under the command of Captain Daniel Fones, mounting fourteen carriage and twelve swivel guns; furnished with needful warlike stores, with ninety men on board"; . . . . that by agreement between the Governor of Rhode Island and the Governor of Connecticut, and at the request of the latter, Rhode Island and Connecticut joined forces in sending forward troops, and employed the war sloops of the two colonies as convoys; . . . . "that our fleet, consisting of the two guard ships and seven transports, having received on board 500 men . . . . went on our voyage, and off the Cape Sable shore we espied a ship making toward us; and not knowing what she might be, the 'Tartar' went out to speak with her; and upon exchange of some shot, she was found to be a French ship of war, of about thirty-four guns. Captain Fones, perceiving her to be a vessel of great superiority, led her off from the fleet. She proved to be a very nimble ship, but the 'Tartar' being a prime sailor and hauling close to the wind, kept her in chase of her all day, and got clear of her at night; our fleet, without any damage from said French ship, arrived safe at Canso. If this ship had engaged our fleet, it is probable that both the guardships would not have been able to withstand her; and if we had had no convoy but Captain Prentice, it is likely that we should have been ruined by her. . . . That during the siege Captain Fones, Captain Beckett and Captain Donahue were sent to the Gut of Canso, to prevent the enemy that we expected were coming from the siege of Annapolis to the relief of Louisburg; accordingly they met them, and repelled a great number of them; and this, we judged, was the reason that we did not meet them on the Island of Cape Breton."

England was not prepared in 1745 to take over Louisburg and to provide a garrison for the fortress. The colonial troops were constrained to stay at Louisburg in large numbers beyond the terms of their enlistment to assure that the French might not regain Louisburg. The three Rhode Island companies remained at Louisburg, and, although Rhode Island requested release of the "Tartar" as "the only guard vessel we have for protecting the trade and navigation of this colony," Admiral Warren did not choose to run the risk of losing so staunch a fighting ship and so resourceful a commander as Captain Fones. Rhode Island continued to maintain both sloop and troops at Louisburg. For the vessel stores and provisions were forwarded; for the soldiers provisions, beds and blankets, "one cask of rice, one barrel of sugar, a suitable quantity of hooks and lines for catching fish, and 100 pounds weight of shot for fowling," were forwarded. The allowance of rum was reduced: "instead of the full allowance of rum, stated by law, the said commissary shall provide one half thereof in rum and the other half in molasses." Recruits to fill the ranks of the three companies at Louisburg were enlisted in September. In October, because of loss of life, including Captain Champlin, the General Assembly, in an act entitled "An act for the regulation of the soldiers *that remain alive* at Louisburg," authorized a consolidation of three into two companies. More men died during the severe winter. Colds and dysentery, then a common and rarely controlled camp disease, carried off hundreds of the colonials at Louisburg. In September the Rhode Island sloop "Tartar" convoyed 400 men from Louisburg to Prince Edward Island, which surrendered. In the spring of 1746 England sent eight regiments to Louisburg to take over the fortress, which was to be used as the military base for an attempt to conquer Canada, and wrest it permanently from the possession of France. The colonial garrison, except such as enlisted in the English army, was released, and the "Tartar" returned to Rhode Island waters.

**INVASION OF CANADA PLANNED**—The campaign for the conquest of Canada, like earlier movements, including those of 1690 and 1711, contemplated an approach by way of the St. Lawrence River from Louisburg as a base, and another invasion by way of Lake Champlain toward Crown Point and Quebec. To the New England colonies was assigned the raising of troops to supplement the English army at Louisburg; New York, New Jersey and Pennsylvania were to furnish soldiers for the invasion from the south. Directions were received in a letter from the Duke of Newcastle under date of April 9, 1746. Whereas the expedition against Louisburg had been a New England enterprise, and except for the small naval detachment under Commander Warren, conducted without assistance from England or the other colonies, the conquest of Canada was to be an English venture. Troops were to be raised in companies of 100 men, and taken into his majesty's pay from the day of enlistment. The colonies were to furnish ships of war, sloops and other armed vessels; to arm and uniform troops, subject to reimbursement. Pending receipt of this order, Rhode Island had returned to normal war conditions. The colony sloop "Tartar," suitably manned and armed, was on patrol duty; and Fort George was garrisoned with a skeleton organization. In May Stephen Hopkins and William Ellery were appointed commissioners to represent the colony at a congress to consider "mutual security, defence and conduct" during the war. It is significant that the word "congress" was used with reference to this meeting of colonial representatives, and that the Rhode Island commissioners were the same who, thirty years later, as delegates to the Continental Congress, signed the Declaration of Independence. Rhode Island proceeded vigorously to raise troops. Three hundred men, in three companies were enlisted, the colony offering a bounty of £50, a uniform and other clothing to the value of £26, or the money to those provided with uniforms. A bounty of £200 each was offered to pilots competent to navigate the St. Lawrence River. Three transports were engaged, and the colony sloop "Tartar" was withdrawn from patrol duty, to be outfitted for service with the expedition, carrying 100 sea-

men. Governor Shirley and Admiral Warren protested to Governor Greene against the "small quota" set for Rhode Island. The latter replied that the quota of 300 would compare favorably with the quotas of other colonies, taking resources into account. "Upon a fair and exact computation the number of men in the colony of Rhode Island proper for bearing arms cannot be computed to be more than 3000; which number must be greatly lessened within these few months past by the number of vessels fitted out and cruising against his majesty's enemies," wrote the Governor; "there being out of this colony, and fitting out on that account, three ships, of about twenty guns each; one sloop and four brigantines, of about sixteen guns each; and four sloops, of about twelve guns each, which are all manned from this place, and are actually out on their cruise, saving one brigantine and two sloops now fitting out, and which in this small government must necessarily exhaust the number of men fit for his majesty's service in the present occasion." Massachusetts also complained that the bounty offered in Rhode Island, being very much larger than that offered in other colonies, had tended to dampen interest elsewhere.

While America was still waiting for the fleet which England had promised to send to participate in the conquest of Canada, the Duke d'Anville, with a French fleet of twenty-five warships and forty-one transports, mounting 1200 cannon and carrying 15,000 men, including 8000 French soldiers, sailed from Rochelle for somewhere in America. This threat was sufficient to discourage England, and the project for the conquest of Canada was postponed first, and abandoned eventually. Meanwhile America received news of the French sailing, and the English withdrawal. Neither America nor England knew then that the French fleet never would reach America. Victims of pestilence and storm, the leader of the French died of disease, and the second in command committed suicide because of despair and fear of dishonor. The remnants of the fleet crept back into French harbors. Anticipating that the French probably would attack Annapolis and Louisburg first, though the French planned a conquest of the Atlantic seaboard, reinforcements were hurried forward, while plans were made for an attack on Crown Point, to be taken and held as a base for a later movement against Quebec. The delays attending the indecision of the English government, even before it was certain that England for the time being had abandoned the project for the conquest of Canada, were disheartening. The 300 soldiers set as Rhode Island's quota had been enlisted promptly, and were drilled and placed under military discipline. Inaction, however, weakened the morale, and desertions suggested the advisability of removing the soldiers to the island of Conanicut, and closing the ferries to soldiers. The General Assembly enacted a drastic law against the rescue and detention of soldiers. Eventually the soldiers were transferred to the transports, with shore liberty reduced to that necessary for exercise and drill, the transports becoming practically prison ships. When it was certain that no assistance could be expected from England, and while the danger of the French fleet was still felt, the troops of Rhode Island, New Hampshire and Massachusetts were ordered sent to Louisburg and Annapolis as reinforcements for the garrisons. The Rhode Island troops sailed on October 30 to join the Massachusetts troops. Two of the Rhode Island transports were grounded and wrecked; their companies and others of the Rhode Island troops were landed at Martha's Vineyard, and returned to Rhode Island. The Massachusetts and New Hampshire troops also suffered disaster. Many of the transports were wrecked, and the beaches of Mount Desert Island were lined with the dead bodies of the drowned. The disaster attending this colonial expedition was as complete almost as that which had attended the French fleet, though the numbers involved were much smaller. Perhaps the destruction of the New England fleet was forecasted in the disheartenment that attended delay. Rhode Island nursed the sick soldiers back to health, and otherwise resumed the posture of defence. The colony sloop "Tartar" resumed patrol duty.

While negotiations for the land expedition from Albany toward Crown Point, including a treaty for coöperation by the Indians of the Six Nations against their old enemies, the French, were still underway, news of the armistice and eventually the peace of Aix-la-Chapelle reached America. In the interval between the signing of the treaty and the proclamation of peace the colony sloop "Tartar" made its last capture as a Rhode Island war vessel. In violation of the law, which restricted sailing without the full complement of ninety, Captain Holmes sailed out with a quota of sixty-five men, and seized a schooner with a cargo of sugar. The schooner claimed to be sailing under a flag of truce, the sugar was landed at Coddington Cove, before the schooner was brought into Newport, and there were other irregularities sufficient to warrant an investigation by the General Assembly. From the report of the committee it appeared that Captain Holmes had been zealous, if not entirely discreet; still his offence was not adjudged sufficient to warrant discharge from his command. In August, 1748, the crew and officers of the "Tartar" were discharged, the sails were unbent and stowed, the vessel was placed in charge of a keeper and anchored in the roads. In October the vessel was sold at public auction. England repaid Rhode Island eventually a considerable part of the expenditure entailed in King George's War, but New England was sorely disappointed when Louisburg and all of Cape Breton and Prince Edward Island were restored to France, under the provisions of the treaty of Aix-la-Chapelle. The enthusiasm for old England awakened in this war was never equalled subsequently. Thirty-one years to a day after the surrender of Louisburg, New England was fighting Old England at the battle of Bunker Hill, the American troops on that day including contingents from all parts of New England as had the colonial army at Cape Breton.

FRENCH AND INDIAN WAR—Peace between England and France in Europe, and between New England and New France in America, did not endure for quite all of the seven years indicated between the date of the treaty of Aix-la-Chapelle, 1748, and the beginning of the Seven Years' War in Europe, 1755, and the contemporaneous Old French and Indian War in America. The condition prevailing practically was armistice or armed truce, rather than genuine peace and amity. Renewal of war was anticipated in Europe, and both England and France made preparations for it. In America the English colonists were looking forward to the time in which a fresh effort might be made to conquer New France, and to remove the menace felt constantly because of French occupation of the St. Lawrence and the Mississippi River valleys. With the French beyond the Appalachians the English colonists were restricted to a narrow strip of seaboard; the mountains were not high enough to form a satisfactory and perpetual natural boundary. The westward expansion characteristic of great movements of races—every major migration in history has been westward—was bound to produce collision and conflict between English and French. Peaceable penetration was scarcely probable following centuries of hostility; stable equilibrium seemed almost impossible. The English colonists must pass the low mountain ranges and control the Mississippi Valley; or the French, for the ultimate development of the resources of the valley of the Mississippi must control the eastern seacoast and harbors.

In 1751 New York, Massachusetts, Connecticut and South Carolina concluded a treaty with the Indians of the Six Nations, which anticipated conflict with the French through the Mohawk River Valley, and the Lake Champlain country. Rhode Island sent two delegates, Stephen Hopkins and Martin Howard, Jr., to the Albany Congress, which met June 19, 1754, "to take such measures as will be most effectual to secure and maintain a lasting friendship with the Six Nations of Indians." King Hendrick, Mohawk leader of the Indians at the Congress, urged the building of fortifications as a defence against the French. The most significant

work of the Congress, however, was the adoption on July 4, 1754, of Franklin's plan for a union of the colonies to be submitted to the colonial governments and to England for ratification. The Franklin plan proposed a colonial congress with power to enact general laws, and a president general appointed and paid by the crown, with the veto power. Connecticut objected to the veto power. The Rhode Island delegates reported to the General Assembly, and the latter resolved to receive and accept the report, "this Assembly, nevertheless, reserving to themselves a further consideration whether they will accede to the general plan proposed." This was essentially "indefinite postponement." The Franklin plan pleased neither the colonies nor the home government. One commentator interpreted the plan as containing too much *prerogative* to suit the colonies, and too much *democracy* to meet the approval of England. There is reason to believe that England, following the colonial success at Louisburg, undertook the conquest of Canada, lest the colonials accomplish it alone and thus become over-confident of strength. A French statesman predicted the independence of America soon to follow withdrawal of France from the continent, and with that the need of support from the mother country against the common enemy.

The war between English and French in America opened with border conflicts long before there was a formal declaration in Europe. Along the Kennebec River, Maine and Massachusetts were holding the boundary line against incursions by French and Indians. Both France and Virginia claimed the valley of the Ohio River, and both had agents and outposts in the territory earlier than 1753. In the following year George Washington, leading a force of Virginia militia against Fort Duquesne, erected by the French at the junction of the Allegheny and Monongahela rivers, was besieged at Fort Necessity by a superior force of French and Indians, and capitulated under guaranty of free and honorable withdrawal. The first English demonstration in this territory, Braddock's march from Alexandria, ended July 5, 1755, in overwhelming defeat, and a retreat by the English regulars covered by Colonel Washington and his Virginians.

Two privateers cleared from Rhode Island, the "Mermaid," Captain Oliver Ring Warner, 1753, and the "Prussian Hero," Captain Joseph Gardner, 1755, before the war had been declared. Privateers of King George's War returned to service, among them the "Triton," "Charming Betty," "Defiance," "Prince Frederick," "Success," "Duke of Marlborough," "Brittania," and "Dove." As in King George's War, Rhode Island took to the sea, with new privateers as well as old, and many new captains, as well as many whose names had been familiar seven years before. Sheffield gave the names of privateers and captains at this period as follows: 1756—"Skip Jack," James Young; "Triton," George Crosswell; "Prussian Hero," Joseph Gardner; "Foy," John Dennis; "General Johnston," Benjamin Almy. 1757—"Charming Betty," Edward Church; "Defiance" (three clearances), Walter Chaloner, Daniel Fones, Michael Phillips; "King of Prussia," John Roffe; "Hawke," Mark Valentine; "Trumpeter," William Richards; "Prince Frederick," James Potter; "Catherine," Jeremiah Cranston; "Success," Robert Elliott; "Maggott," John Lane; "Prince Ferdinand," Roderick McCloud. 1758—"New Concert," Samuel Sweet; "Jolly Bachelor," Samuel Angell; "Scorpion," John Warren; "Abercrombie," Joseph Rivers; "General Webb," Israel Boardman; "Lord Howe," Roderick McCloud; "Maggott," John Lane; "Catherine," Robert Elliott; "Mar," John Brown; "Duke of Marlborough," Estes Howe; "Othello," Francis Malbone; "Rabbit," Peleg Easton; "Dolphin," Oliver Ring Warner; "Triton," Walter Buffum; "Industry," Joseph Owens; "Ruby," Mark Antony DeWolf. 1759—"Defiance," Benjamin Wanton; "Diana," Samuel Sweet. 1760—"Amazon," John James; "Lydia," William Ladd; "Success," Abel Mincheson; "Three Brothers," Joshua Stoddard; "Goldfinch," William Metcalf; "Phebe," Daniel Waldon; "Success," Daniel Fones; "Molly," \_\_\_\_\_. 1761—"Sarah," Jonathan Burdick; "Wolf," James Potter; "Three Brothers," Joshua Stoddard. 1762—"Pom-

pey," Samuel Johnston; "Dolphin," Thomas Rodman; "Diana," Job Easton; "Brittania," Francis Coddington; "Diamond," James Ramsey; "Polly," Caleb Cranston; "Rising Sun," William Pinnegar; "Polly and Sally," Lovett Thurston; "Harlequin," Michael Ryan; "Dove," Edward Dyer; "Beaver," Walter Clarke; "Charming Polly," Lovett Thurston; "Harlequin," Daniel Wilcox; "Nancy," George Nichols; "Defiance," James Duncan; "Sarah," John Thompson; "Africa," John Easton; "Pompey," Samuel Johnston; "Unity," Zebedee Grinnell; "Conformator," Benjamin Hicks; "Wolf," James Coddington; "Industry," Thomas Underwood. These were Newport privateers; there were others, from Providence and probably from Bristol. Abraham Whipple earned his spurs as a privateer in this war; he is credited with capturing twenty-three prizes in one cruise. An admiralty court was established in Providence during the war because of the large number of prizes taken by Providence privateers.

All the colonial governors had been advised of England's plan to send troops to America, including the force led by Braddock, and had been urged to make suitable arrangements for stores of provisions, and to enlist colonial soldiers to fill up the ranks of the English regiments and as auxiliary colonial troops. The Rhode Island General Assembly, in February, 1755, ordered the enlistment of 100 soldiers, and the repairing of Fort George. England was asked to provide cannon for the fort. Rigid embargo against shipment of food out of the colonies under circumstances that might permit its reaching the French at Cape Breton was enforced. Later, when Shirley revived his old plan for a movement against the French in Canada *via* the Lake Champlain route, Rhode Island raised 400 soldiers as a Rhode Island regiment under command of Colonel Christopher Harris, and sent them to Albany by water. In August, following receipt of news of Braddock's defeat, 150 soldiers, in three companies, were enlisted, of whom 100 marched overland to Albany, and fifty were sent later by water. The colonial troops advanced from Albany to the point where the Hudson River turns south for the long sweep of 250 miles to the sea, and there built Fort Lyman, afterward called Fort Edward, as a defence for the southern end of the portage, or "carrying place," leading to the waters of Lake George. Thence they proceeded to the southern end of Lake George, and began the construction of Fort William Henry. Scarcely had the walls of the fortress begun to assume form, when, on September 8, 1755, a detachment of colonial troops and Indians was ambushed by 3000 French and Indians. The latter had marched from Montreal to attack Fort Edward, the base of supplies for the army at Fort William Henry. The colonial troops were driven back from the ambush in disorder, and the French, elated by their initial success, pursued them and attacked the colonial camp with great vigor. The Indian allies of the French fled when the colonial artillery opened fire, but the French, in large part regular troops, led by Baron Dieskau, continued gallantly to assail the uncompleted intrenchments, closing up the gaps in their columns and pressing steadily attack after attack for five hours in the autumn afternoon. Sir William Henry, commanding the colonial troops, was wounded early in the battle and retired from the field, leaving General Phineas Lyman of Connecticut, to finish the battle. The French commander was wounded three times, but refused to withdraw and continued to rally his men and urge them forward in desperate charges. Toward the end of the day he was mortally wounded and captured. The French withdrew, leaving nearly 900 dead and wounded; the colonial loss was 300. The colonial troops had met, withstood the attack of, and defeated European regulars in pitched battle. The glory of the day rested with the New England regiments and the gallant General Lyman. They had been steady and steadfast. Rhode Island raised 400 additional soldiers, in four companies, as reinforcements for the Rhode Island regiment after the battle of Lake George. When the active forces were reduced as the coming of winter slowed up military movements, 100 Rhode Islanders remained as part of the 300 soldiers in the garrison of Fort William Henry, and eighty-five were retained under arms at home.

For continuance of the campaign against Canada in 1756 Rhode Island enlisted 400 soldiers early in the spring, additional to the 100 in garrison at Fort William Henry; 100 more in June, sixty in August, and 400 in October, thus having over 1000 men in active service, besides the large number who had sailed on privateers to annoy the French and prey upon French commerce. Governor Winslow of Massachusetts, complimented Governor Hopkins of Rhode Island, upon the colony's zealous interest, saying "that the colony under your command comes nearest up to their quota"—the first and almost the only kindly message that ever reached Rhode Island from Massachusetts. The October contingent of 400 soldiers was raised partly by voluntary enlistment, encouraged by bounties, and partly by draft. Before the time set for these soldiers to depart for Albany news reached Rhode Island that smallpox had broken out there, and the departure was delayed. On October 30, 1756, Lord Loudon, who had succeeded Shirley as commander-in-chief, ordered that no more troops be dispatched, because the approach of winter suggested suspension of active campaigning. The Rhode Island soldiers were discharged. Meanwhile Oswego, which had been prepared as a base for an attack on the French at Niagara, had been captured by the French under Montcalm. The prisoners taken by the French included soldiers from Rhode Island. Rhode Island received £6600 as the colony's share in £115,000 sent from England to encourage America for active prosecution of war against the nationals of France, while England and France were still nominally at peace in Europe. War was not declared until May, 1756. That war profiteers are not new, and that the "embalmed beef" scandal of the Spanish-American War was not without precedent are suggested by action taken by the Rhode Island General Assembly in January, 1757, thus: "Whereas the committee of war purchased a large quantity of pork of Silas Gardner some time last spring, as good and merchantable Rhode Island and Connecticut pork, for the use of the forces raised by this colony for the Crown Point expedition, which was not merchantable, but very bad Carolina pork, and unfit for use . . . . resolved that the committee . . . . be directed to demand of the said Silas Gardner the damages that have accrued by the badness of said pork . . . . and to prosecute him in the law to recover them."

In anticipation of an active campaign in 1757 the General Assembly voted to raise and arm 450 soldiers by voluntary enlistments and impressment if necessary. The building of a colony war sloop of 120 tons was ordered undertaken in a shipyard at Providence; in June the vessel was ordered rigged as a brigantine. To enforce a strict embargo against collusive shipping of provisions to the French, clearance for other than his majesty's ports was forbidden, and shipmasters and owners were required to file bonds to guarantee delivery according to clearance. Later in the year, because of the failure of crops in England and Ireland, the embargo on shipments of corn and provisions was relaxed to permit the sending of food to avert famine in the mother country. To cover wartime expenditures, £100,000 were raised. Commissioners sent to Boston to attend a New England colonial conference assembled at the request of Lord Loudon, reported delay in the arrival of other commissioners and failure to achieve substantial agreements because of the reluctance of other colonies to contribute freely of man power. It appeared that the Rhode Island commissioners alone had not been restricted by instructions. The privateer "Abercrombie," brig, Captain Joseph Rivers, was taken into the colony's service and sent out from Newport in search of a French privateer reported off the coast, but returned without prize. The Rhode Island troops sent forward for the campaign expected to start from Albany as a base were not completely armed because so many muskets and other weapons had been lost or were not accounted for, and there were complaints from New York and Albany, which indicated that the soldiers were not so contented as had been those in earlier campaigns. For want of vigorous action New England's faith in the enterprise against Crown Point had begun to fail. Colonel Samuel Angell, commanding the Rhode Island regiment, urged better coöperation. A renewal of

interest and effort followed the French movement against Fort William Henry. There 2000 men were besieged by Montcalm and 11,000 French and Indians, and after a defence lasting six days capitulated. Aid had been requested of the garrison at Fort Edward, less than fifteen miles away, but none was sent by General Webb, who had 6000 men idle in camp. The garrison of Fort William Henry surrendered on promise of permission to march unmolested to Fort Edward. Montcalm, commanding the French, was unable to restrain his Indian allies, who attacked and plundered and massacred the unarmed colonials, pursuing them along the portage to Fort Edward. When news of the French attack, but not of the disaster, reached Rhode Island one-sixth of the militia was ordered drafted and "raised and sent to Albany." To hasten arrival at Albany, the soldiers were to be mounted and proceed on horseback. When the disaster suggested the probability that the enterprising and indefatigable Montcalm might follow up his victory by invasion, fifty-six of the leading citizens of Providence enlisted in a movement to raise 250 men to march so soon as possible. The agreement, dated August 15, 1757, was as follows: "Whereas, the British colonies in America are invaded by a large army of French and Indian enemies, who have already possessed themselves of Fort William Henry and are now on the march to penetrate further into the country; and from whom we have nothing to expect, should they succeed in their enterprise, but death and devastation. And as his majesty's principal officers in the parts invaded have in the most pressing and moving manner called on all his majesty's faithful subjects to defend the country, therefore, we whose names are underwritten, thinking it our duty to do everything in our power for the defence of our liberties, families and properties, are willing and agree to enter voluntarily into the service of our country, and go in a warlike manner against the common enemy, and hereby call upon and invite all our neighbors who have families and properties to defend to join us in this undertaking, promising to march as soon as we are 250 in number, recommending ourselves and our cause to the favorable protection of Almighty God." The paper was signed by Stephen Hopkins, Obadiah Brown, Nicholas Cooke, Barzillai Richmond, Joseph Bucklin, John Randall, John Cole, Gideon Manchester, Ephraim Bowen, John Waterman, Joseph Arnold, John Boss, John Thomas, Jr., Allen Brown, Benoni Pearce, Barnard Eddy, Benjamin Doubleday, Nicholas Brown, John Brown, William Wheaton, William Smith, Jonathan Clarke, Jonathan Ballou, James Thurber, Amos Kinnicutt, Nathaniel Olney, Theophilus Williams, Joseph Lawrence, John Paine, Benjamin Olney, George Hopkins, Edward Smith, Joseph Winsor, Joseph Cole. Many of these, as patriots in the cause of America in the Revolutionary War, were equally solicitous of the defence of liberties, families and properties. Contrary to expectations, Montcalm did not pursue the advantage gained, but withdrew to Canada. Rhode Island troops already on their way to the front were recalled. In the fall other Rhode Island soldiers, except ninety remaining at Saratoga for winter service as rangers were transported home. The year had been disastrous. Loudon's expedition by water against Louisburg had been a failure because a French fleet reached Cape Breton before the English fleet. The advance position on Lake George had been lost; Fort Edward at the southern end of the portage was the most advanced post held by the colonials. Loudon had under his command, however, a contingent of English regulars, ordered to America in anticipation of the campaign of 1758 to be used as the nucleus for a large army for the invasion of Canada.

William Pitt, English Secretary of State, in two letters dated December 30, 1757, announced (1) the recall of Lord Loudon and the appointment of Major General Abercrombie as his successor, and (2) "most vigorous and extensive efforts to avert . . . the dangers impending in America." Pitt urged the raising of a colonial army of 20,000 men. Rhode Island sent commissioners to a conference at Hartford on February 20, with instructions "to lay an exact state of the colony before his Lordship\* with regard to its fortifica-

\*Loudon was in command pending the arrival of Abercrombie.

tions, cannon, warlike and military stores, the number of its inhabitants, state of the treasury, and funds for supplying the same," and to ask for reimbursement from the English treasury for earlier expenditures and aid for new effort, and to request that "the forces raised by this colony may be under the immediate command of their own officers, and no other except the commander-in-chief." Lord Loudon's request for men was considered excessive by the Rhode Island commissioners, who estimated Rhode Island's fair quota in an army of 5000 men from New England as 425. Nevertheless, the General Assembly ordered the enlistment of a regiment of 1000 men. The Rhode Island regiment, Colonel Henry Babcock, reached Albany by transport in June. General Abercrombie had already moved part of his army to Fort Edward. Early in July Abercrombie had reached the head of Lake George with an army of 16,000 men, including 7000 English regulars, 9000 colonials, and a heavy train of artillery. Transportation down the lake was provided by 900 batteaux and 125 whaleboats. On July 6 Abercrombie reached the northerly end of Lake George, and by noon his army, without artillery, was marching in four columns through the woods toward Ticonderoga. There the French had built a fortress on a height commanding the portage, which must be traversed to avoid the rapids between Lake George and Lake Champlain. Montcalm had 3000 men at Ticonderoga, and expected reinforcements of 500. He knew that Fort Ticonderoga was commanded by Mount Defiance and could not be defended successfully against artillery. Retreat he would not; leaving the fort, he threw up entrenchments hastily along the edge of a plateau between the lakes, blocking Abercrombie's approach. A scouting party of 300 French, sent out to reconnoitre, encountered the column led by Lord Howe and Israel Putnam. One hundred French were killed, 150 were taken prisoners, and fifty escaped; but the English lost Lord Howe, who fell, shot through the heart, at the first discharge. Abercrombie retreated to the lake, and on the seventh sent out a scouting party, which located Montcalm, cleared the portage road and rebuilt bridges which had been destroyed by the French. Abercrombie was deceived by his prisoners and led to believe that Montcalm had 6000 men and expected 3000 more as reinforcements. He determined to attack on the eighth without waiting for his artillery, paying as little attention to Putnam's protest as had Braddock to Washington's advice on the march through the wilderness of Virginia. The French lay along the edge of the plateau, fortified by a wall of tree trunks with abattis. The approach was up the slope of rising ground; the place was ideal for defence. The attack was magnificent but suicidal; charge after charge was made, the famous Scotch Black Watch, led by Major Campbell reaching the French breastworks, but leaving 500 clansmen, half the regiment, dead or seriously wounded on the slope. The colonial troops, including Babcock's Rhode Island regiment, charged gallantly. Colonel Babcock was shot through the knee while leading his men, and carried from the field. Three other officers were wounded, and many—how many is not known—Rhode Islanders fell dead or wounded while fighting valiantly. Abercrombie lost 2000 men, one-eighth of his effective forces; the intensity of the struggle was indicated by the French loss of 400, though the French fought under the cover of breastworks. Abercrombie withdrew at the close of the day to his landing place, and thence retreated precipitately up Lake George, although his forces still outnumbered the French more than four to one, his line of communication was intact and not endangered, and he had artillery against which the French position was not tenable. Beyond the portage lay Lake Champlain, the gateway to Canada; but Abercrombie had been defeated and he no longer had courage for conquest.

Colonel Babcock's report to Governor Hopkins referred to the battle thus:

The fifth instant the army consisting of 15,000 men, proceeded down the lake in batteaux with thirty days' provisions. The sixth in the morning, half after eight, we landed at the advance guard, who were very easily driven from their post, with no loss on our side and but four on theirs. About two o'clock P. M. the whole army marched, saving a battalion of the York regiment, who were posted as a guard on

our batteaux. About three o'clock we were attacked by a party of the enemy, in which engagement we unfortunately lost the brave Lord Howe. There were taken of the enemy 100 prisoners, eight of whom were officers; our army was much scattered by reason of the firing in the woods, and it was thought advisable to return that evening to our batteaux. The next day Colonel Broadstreet was ordered . . . . to take possession of the saw mill, which we did without the loss of a man. The same evening the whole army marched up to the saw mill.

The eighth we were ordered to proceed in the following manner: The batteaux men, light-armed infantry and the rangers were ordered to form a line about 200 yards from the French entrenchments, which extended from Lake George to Lake Champlain; the regulars were to form a line behind the first line; who, after they were formed, were to pass through the first line, they making avenues for them; after that they were to form in line again. A captain and fifty men, out of the line, were detached for picket, who were to form in front; the grenadiers were to form behind them; and in this manner they were to attack the trenches, and were to march with shouldered firelock till they should get on top of the trenches. They accordingly marched on with great intrepidity, but were received so warmly that they were obliged to give ground after making most vigorous efforts; they even went up to the breastwork, but were knocked down so fast that it was very difficult for those behind to get over the dead and wounded. But before the attack of the regulars the enemy began firing upon the Yorkers. In the rear of the regulars the Connecticut, New Jersey and Rhode Island troops were ordered to form about 300 yards behind, and were to support them if necessary.

About an hour after the attack I was ordered to march with the regiment, to relieve those that had been engaged. We went up within about forty yards of the breastwork. Soon after I got up, on posting my regiment to the best advantage I could, I received a shot on my left knee; after that, finding myself of no advantage, I ordered two men to carry me off and left the regiment warmly engaged. We have lost no officers. Captain John Whiting, Lieutenants Russell and Smith are slightly wounded. The return of the killed and wounded, Your Honor has enclosed.\* The same evening, to my great surprise, the whole army was ordered to return to the batteaux, to the great mortification of chief of the officers; and the next evening we arrived here [Lake George, south end].

Never did an army gain more advantage in so little time, whilst the late Lord Howe was alive; but soon after that we became a confused rabble. We have lost a great many brave officers; in Lord Howe's regiment all the field officers were killed.

A month later 312 men from the Rhode Island regiment participated in the capture of Fort Frontenac, a shipping point on Lake Ontario from which the French sent supplies to Niagara, Frankfort, and Fort Duquesne. Major Daniel Wall reported this adventure in a letter to Governor Hopkins, as follows:

Three thousand troops, with four brass twelve-pounders and two howitzers, set out on the fourteenth of August on a secret expedition under the command of Colonel Broadstreet; out of which number there were 312 from the Rhode Island regiment. We proceeded to Oswego . . . . and crossed part of Lake Ontario, and on the twenty-fifth we landed in high spirits on an island in open sight of Fort Frontenac and their shipping—a brig and schooner (partly rigged). Colonel Broadstreet immediately sent a whale-boat to reconnoitre and thought it impracticable to attempt to land before the evening by reason of the great surf. Provisions were then issued and the people employed in cooking. At about seven in the evening landed the whole troops about a mile distant from the fort without being opposed. The rangers and Indians, who were about 200, scouting in the woods; and an attempt was then formed to board the brigantine and schooner with whaleboats; but as they were warped in under the fort it was thought impracticable to attempt it. The troops were under arms all that night in front of the batteaux; and about eight next morning all our artillery were landed and fixed in their carriages. About ten, began to cannonade, under cover of a hill about 700 yards distant; the enemy firing very hot, but without doing execution.

As soon as it was dusk we approached up to a breastwork of the enemy, erected at the time that Oswego was garrisoned, through which we cut embrasures; and at daybreak began to throw shells, which continued very warm till seven o'clock, the enemy firing very smart, both with their cannon and small arms, when we perceived them endeavoring to escape with the vessels. We immediately brought two twelve-pounders to play upon them, which shattered them very much, and all the crews on board took to their boats and made off, suffering the vessels to drive on shore. Then the garrison sent out to surrender. . . .

\*This paper has been lost.

The expedition burned seven French vessels, besides taking the brigantine and schooner to Oswego, loaded with the stores seized at Fort Frontenac. The fort was demolished. The stores in large part had been accumulated for dispatch to Fort Duquesne, and the destruction of Fort Frontenac thus contributed to the English success later in the year on the Ohio.

Except at Ticonderoga the English were uniformly successful in 1758. Amherst and Wolfe captured the fortress at Louisburg, July 26, and thus opened the St. Lawrence River as a gateway toward Quebec and Montreal. Fort Frontenac fell on August 27. General Forbes captured Fort Duquesne November 25, and renamed it Fort Pitt, the name still commemorated by the city of Pittsburgh. William Pitt was resolved to prosecute vigorously in 1759 the war to conquer New France. In Rhode Island the year 1758 had been distressing. Besides the effort involved in raising 1000 men, 2000 English troops had been billeted in Providence for several weeks, awaiting orders to proceed to Albany. After the soldiers had gone forward, messages came frequently naming dead and wounded, and many soldiers returned broken physically. The colony brigantine, on the construction of which more than £20,000 had been expended, had never been launched; in 1758 it was ordered sold after advertisement, and finally the committee was directed to sell "for the most they can get, and that the purchase money be applied to the colony's use." But Rhode Island was not down-hearted; Rhode Island was ready to join with William Pitt in prosecuting the war.

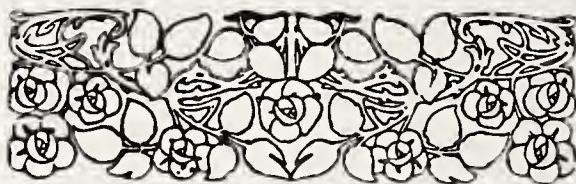
Abercrombie was recalled after the battle of Ticonderoga, and Major General Jeffrey Amherst was appointed commander-in-chief. In anticipation of the campaign of 1759 only soldiers unfit for service were discharged during the winter, and in February the Rhode Island regiment was ordered to reach Albany not later than April 10. Upon Admiral Durell's urgent request for seamen to maintain man power in the English fleet of war, Rhode Island encouraged enlistment in the navy by offering bounties. Admiral Durell was so well pleased with Rhode Island's effort, the number of men obtained and the promise of more upon request, that he thanked Rhode Island and promised to order reimbursement on account of the bounties. Vigorous effort was also made to maintain the Rhode Island regiment at full strength of 1000 men. In June an additional bounty was offered to raise 115 men for the regiment. Colonel Babcock remained in command, but Daniel Wall, who had been promoted to be Lieutenant Colonel, did not join the regiment. Colonel Babcock urged the promotion of Major Whiting to be Lieutenant Colonel, and Eben Whiting to be Major, the latter having been offered a command in the Inskilling regiment. General Amherst's army moved forward from Albany early in the summer, and on July 12 was reported by Colonel Babcock as at Camp Lake George, southern end. The French had withdrawn so many effective soldiers as possible for the defence of Quebec and Montreal against Wolfe's army, moving from the east *via* the St. Lawrence River; those left at Ticonderoga and Crown Point offered resistance only to delay the advance of Amherst, who had 12,000 men. A show of force was made on Lake George; on July 27 Amherst reported the taking of Ticonderoga after trifling opposition. The enemy carried off their baggage and withdrew most of their effective troops, and finally blew up part of the fortress as the English advanced. Amherst delayed to repair the fort, and waited further at the south end of Lake Champlain for transports, instead of pushing forward vigorously to join Wolfe. The French abandoned Crown Point as they had Ticonderoga, and, familiar by this time with the cautious inertia of Amherst, gave him a new job—restoring the fort at Crown Point, which they attempted to blow up—anything to serve the purpose of keeping Amherst busy while Wolfe waited. Amherst announced, in a letter to Governor Hopkins: "I am in possession of the ground ever since the fourth, where I propose building such a stronghold as shall most effectually secure and cover all this country." The strategy of effective war demanded the destruction of the enemy army, but Amherst was obsessed by the same delusion of possession of territory which defeated England in the Revolutionary War. Fortunately for England, Wolfe was more energetic; after

waiting two months before Quebec for Amherst's army, which never arrived, Wolfe climbed to the Plains of Abraham and on September 13 fought the decisive battle for the city, and for Montcalm's army. Both Wolfe and Montcalm died on the field. Meanwhile Amherst was at Crown Point building vessels to meet the French war vessels on Lake Champlain; he did not become master of the lake until October, when it was too late to undertake the invasion of Canada. In a letter written to Governor Hopkins General Amherst praised Colonel Babcock thus: "And as Colonel Babcock has, throughout the whole campaign, continually manifested his great zeal for the service, and upon all occasions promoted it to his utmost, I should not do him justice were I to omit giving him this public testimony of it, and of begging you to return him my particular thanks for the same." Amherst requested retention of the Rhode Island regiment in service during the winter in anticipation of the final campaign in 1760, but Governor Hopkins had discharged the regiment on December 10, not having received up to that time, a request otherwise. In a letter to General Amherst Governor Hopkins promised further assistance if it should be wanted. The French retained possession of Montreal and other posts along the St. Lawrence and Lake Ontario.

In February, 1760, the General Assembly ordered the raising of a Rhode Island regiment of 1000 men, to be commanded by Colonel Christopher Harris. Amherst ordered the regiment forward to Albany in May for participation in the campaign against Montreal. In April a French army of 10,000 men moved from Montreal, defeated an English army at Sillery, and laid siege to Quebec. They were driven off by the arrival of an English fleet. Three English forces converged on Montreal, from Quebec *via* the St. Lawrence River, from Oswego *via* Lake Ontario, and from Albany *via* Lake George and Lake Champlain. Montreal surrendered September 8, 1760. The colony regiment was discharged from service at the close of the campaign, and in 1761 a regiment of 666 men, Colonel John Whiting, was recruited for garrison duty in the new territory acquired by the conquest. In October a company of sixty-four men was continued in service as a garrison for Fort Stanwix. The Assembly in 1762 voted to raise a regiment of 660 men, Colonel Samuel Rose, and also 178 men as the colony's quota for filling up the regiments of the English regular army then serving in America. Soldiers for the colonial regiment were obtained readily; more difficulty was experienced in enlisting men for his majesty's regiments. The regiment of 1762 was employed in the brief war against Spain declared in 1762, and saw service in the West Indies. Scarcely one-half of the Rhode Islanders returned home, so many had died from disease or had been killed in the war. In November, 1762, an armistice was signed, and on February 10, 1763, peace was restored by the Treaty of Paris. France ceded all of New France save Louisiana to England, Spain acquired Louisiana and ceded Florida and all possessions east of the Mississippi to England. England thus became mistress of half the continent. There remained after the Treaty of Paris a quarrel between the colonists and the mother country as to the proper allocation of the costs of conquest, and another enduring quarrel involving the rights of the colonists and of the mother country inevitably conflicting as the latter attempted to secure for herself economic advantages at the expense of the former. The next clash in arms would find the late allies in the war against France enemies contending for the control of a new empire to be. The causes of the Revolution, however, were the development not of a generation but of a century, during which Rhode Island played a significant part in resisting aggression, penetrating design, and maintaining independence by a sturdy battle for the preservation of the rights granted by the King Charles Charter.

Rhode Island played a valiant part as ally of England in the colonial wars. Her sons had shown on land and on sea rare fighting qualities. In comparisons of the contributions of man power made by the colonies, Rhode Island stands well, although in these, credit rarely is given for the service of privateers. It has been estimated that during the whole of the Old French War Rhode Island's sea fighters numbered no less than 1500 in any year, or 150

per cent. the normal land force of 1000 men. Not all the privateering was profitable; and besides losses from this source, the colony's commerce suffered seriously from interference by embargo and the hazards of war and weather. No less than sixty-five vessels from Providence, sixteen wrecked and forty-nine captured, were lost between 1756 and 1765. Newport also lost seriously.



## CHAPTER IX.

### JEALOUS PRESERVATION OF INDEPENDENCE IN COLONIAL PERIOD.

HODE ISLAND had been fortunate—and all the world has profited from Rhode Island's good fortune—because the men who had been most prominent and most courageous in asserting and maintaining those fundamental principles of modern democracy which were Rhode Island's gift, first to the nation and thereafter to suffering humanity, lived through the period of forty years from the hegira from Massachusetts beginning in 1636. The wonder working Providence of God was manifested in Rhode Island. John Clarke died in 1676; Samuel Gorton, in 1677; Benedict Arnold, in 1678; William Coddington, in 1678; John Cranston in 1680-1681; William Harris, in 1681-1682; Roger Williams, in 1683. Of these, Benedict Arnold, William Coddington and John Cranston died in office while serving as Governor. In the forty years a democratical form of government had been projected, tested and perfected, the latter not nearly so much by unanimous agreement, as through valorous conflict and refinement of ideals. Rhode Island had been exactly and truly the "lively experiment" so aptly described in the Charter of 1663, and democracy had been fashioned in the white heat of passion amid turmoil so vigorous that less sturdy souls than Williams, Clarke, Coddington, Gorton, Harris, Arnold, Cranston and all those numerous other heroes of an heroic age who fought with them and against them in glorious combat might have despaired of the outcome. The motto of Rhode Island was Hope; the anchor of Hope was steadfast and secure, and the virtue gave assurance. The experience was educative as well as epic, because through it a host of successors worthy of the venerable patriarchs who had departed had been bred and nurtured. Rhode Island's future for a century of years from 1676 was destined to be quite as turbulent as the forty years preceding had been; through the 100 years Rhode Island was to contend, with varying fortune, for its existence as a democratic commonwealth, until that time should come in which she would declare independence, while Congress hesitated. The Revolution cast its shadow before it for a century. Rhode Island's sons failed neither in the prologue nor in the tragedy through which Independence must be attained.

A REVOLUTION—The peaceable and amicable relations with the mother country that seemed almost to be assured by the very favorable report upon Rhode Island made by the King's commissioner in December, 1665, and by the kindly disposition manifested by the commissioners after they had observed the "great demonstrations of their loyalty and obedience" made by Rhode Islanders, were not to continue, in spite even of the King's promise of his "constant protection and royal favor in all things that may concern your safety, peace and welfare" (1666). In 1670 the General Assembly ordered that all "passages, names and titles, in laws, acts or orders of the colony, derogatory to his majesty, his honor, crown and dignity, be utterly repealed, made null and void," saving the laws themselves, which were not to be made void. The purpose and effect of the order was to remove from the colonial record all reference to persons holding office or agencies exercising governmental functions in England from the beginning of the English revolution to the Restoration. Rhode Island was loyal to the sovereign, and the colony pursued a general policy of manifesting loyalty as occasion suggested. Up to 1672 laws were enacted generally in a form substantially as follows: "By this present Assembly and by the authority thereof" or "by the Governor, Council and Representatives this present session assembled, and by the authority of the same." In August, 1673, the form of enactment for the first time mentioned his majesty, thus: "Be

it enacted by his majesty's authority given to this Assembly, and hereby it is enacted." In the same year provision was made for having a copy of the English statutes at all sessions of the General Assembly and of trial courts, in order that the Assembly might make laws agreeable to, and that the courts might be guided in procedure and judgments in conformity with the "laws of his majesty in the realm of England." In 1674 the form of enactment was thus: "By the King's authority in this Assembly it is enacted." Thereafter return was made to the form of enactment previously in use, omitting reference to the King. The explanation of these changes is to be found in the temporary ascendancy of a group of Royalists, among them Richard Smith and Francis Brinley, who were opposed to the incorporation of the King's Province as part of Rhode Island; and to the activity of William Harris, by this time an advocate of Connecticut's claim to practically all western Rhode Island. William Harris, who had been removed from office and imprisoned, had a strong following among the Quakers. It so happened that the time was ripe for a mild revolution in Rhode Island, and the opportunity came with the election of May, 1672. The General Assembly elected in May, 1671, had been strongly Rhode Island and had made provision for vigorous resistance to the claim of Connecticut, including the sending of John Clarke to England as a special representative of Rhode Island. To provide ways and means a tax had been ordered, and the General Assembly enacted drastic legislation forbidding opposition to the tax, thus: "If any person or persons in any town or place within this jurisdiction shall at any time, more especially in any town meeting or other public assembly of people, appear by word or act in opposition to such rates and impositions, made from time to time by the General Assembly of this colony, or that shall appear in opposition against any of the acts and orders of such Assembly made according to the Charter, by speaking against such acts or orders openly, in any concourse of people together, or that shall move to the rejecting such acts and orders when published in any such meeting in any town or place, or that shall endeavor by word or deed to send back or otherwise to slight such acts and orders; all and every such persons shall be questioned and proceeded against as for high contempt and sedition, and be made responsible at the general court of trials . . . . and all and every person that shall be convicted by their peers of any of the abuses aforesaid shall suffer . . . . corporal punishment by whipping, not exceeding thirty stripes, or imprisonment . . . . not exceeding twelve months, or else a fine . . . . not exceeding £20." This enactment was too arbitrary to be accepted quietly in a colony "ubi quae sentias dicere licet." Passed on April 2, 1672, it produced a revolution within a month. On May 1, 1672, in general election, only four Assistants were reelected. The new officers included Governor, Deputy Governor, six Assistants, and twenty Deputies, not one of the Deputies in the previous General Assembly being reelected.\* The Assembly of 1672 repealed the obnoxious legislation, abated the appointment of John Clarke as foreign agent and the tax order, and adopted a conciliatory posture in relations with Connecticut. "Forasmuch as several acts and orders were made in the General Assembly last April," read the repealing act, "some whereof seeming to the infringing of the liberties of the people of the colony, and setting up an arbitrary power, which is contrary to the laws of England, and the fundamental laws of this colony from the very first settling thereof, others seeming to the prejudice of the colony and impoverishing the people thereof, to the great distraction of the good and well-minded people thereof, who have many of them been sufferers in a great measure already, and like more to undergo if not timely prevented." The General Assembly also reduced the salaries of officers to what "the ancient fundamental laws of this colony formerly have made due provision for," and declared advances made by the previous General Assembly null and void. The action of the previous General Assembly, seating a delegation of Deputies from Providence, whose election was questionable, was condemned as "being innovations in the government and contrary to law and equity." The revo-

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lution was necessary and complete, but, when the purpose had been accomplished, gradually the revolutionary party lost power. It attained maximum strength early in 1672; as a royalist party it was doomed to displacement in democratic Rhode Island. The emphasis upon royalism appeared in the form of enactments, and in the reliance upon the book of English statute law. Rhode Island knew how to curb a party that through zeal had exceeded the bounds that must be respected if liberty was to endure; Rhode Island was loyal to the crown but Rhode Island was not royalist, however; and this it demonstrated by a speedy return to normalcy. Rhode Island could and did curb a dominant democratic party when the latter tended to tyranny in its effort to suppress dissension. When the lesson had been taught sufficiently to accomplish its purpose, the royalist party was retired, and the battle with Connecticut was resumed vigorously.

**DISCORD IN NEW ENGLAND**—Rhode Island faced a struggle for physical existence. Connecticut at one time interpreted its own colonial charter as fixing Connecticut's eastern boundary along the line of the Providence River and Narragansett Bay. Plymouth's claim east of Narragansett Bay, including as it did ultimately the island of Rhode Island and other islands, covered the remainder of the colony. Massachusetts claimed Pawtuxet, Warwick, and Westerly, the last as part of the spoils of the Pequot War. Connecticut claimed the Narragansett country by conquest after King Philip's War. The King's commissioners in 1665 designated the Narragansett country as the King's Province, but placed it under the administration of Rhode Island. Intercolonial quarreling over boundaries and appeals to England to adjust other differences attracted attention to New England that was unfortunate, because, as viewed in old England, the discord in New England justified measures to end the friction by placing all of New England under a single administration. Revocation of the New England charters was the preliminary step toward the consummation of the general plan.

**NAVIGATION ACTS**—Meanwhile the remarkable growth of the colonies in population, and their prospective development of resources, suggested to English statesmen a colonial policy in keeping with the principles of the mercantile theory, then generally accepted as sound economically and as an approved method of strengthening national states. With England the dominating purposes were the wresting from Holland of control of the sea, and the upbuilding of the English merchant marine. The latter purpose was promoted by legislation limiting trade, in both directions between England and the colonies, and between the English colonies, to English or colonial ships manned by English or colonial crews. Other legislation prohibited colonial importation of goods and commodities produced in Europe unless the goods and commodities had first been shipped to England, and shipped thence in English or colonial bottoms; and also required the shipping to England first of staple colonial commodities intended for foreign trade. England thus became an intermediary in foreign trade with the colonies. Strict enforcement of trade and navigation acts was proclaimed in 1680, and colonial governors were required by his majesty to take an oath to enforce the acts in their provinces. In Rhode Island the Governor's engagement was modified accordingly and in 1682 the reciprocal engagement of the General Assembly included a promise "to stand by you and assist you in your performance of the act of trade and navigation, according to the oath imposed by his majesty in said act." In passing it should be noted that the English navigation acts, so far as they restricted intercolonial trade to English bottoms, are precedents for modern legislation of similar type, including American regulation of coastwise shipping. In view of the meagre development of commerce in Rhode Island so early as 1682, there was little serious objection. Later, as commerce increased in volume, the enforcement of the trade and navigation acts became more and more difficult and occasioned discord and conflict. It was principally the restriction of trade with foreign countries that distressed Rhode Island. Rhode Island could profit from the navigation acts so far as they encouraged colonial ship-

building and ownership of vessels. But the requirement that goods destined for sale in foreign countries must pass through an English port instead of directly to the consumer, and the requirement that goods imported from foreign countries must also pass through an English port, both weighed heavily upon American foreign commerce, and tended to decrease the profit therein if the law were observed, or to encourage smuggling as a means whereby to avoid the law. In later years law enforcement became a serious issue in the relations between Rhode Island and the mother country.

The General Assembly in May, 1682, ratified and confirmed the Governor's proclamation of the English trade and navigation act, and an order entered by the Governor and council establishing a naval office at Newport, at which "all masters or commanders of ships and other deck vessels are required upon their arrival into any harbor or port within this jurisdiction to make their appearance and make entry of their respective ships and vessels and their loading, and give bond according as they are required by act of Parliament." Except the requirement of giving bonds, and the fees charged for entry and clearance, the order did not increase the obligations of shipmasters engaged in voyages permitted by the navigation act. Under a Rhode Island statute enacted in 1675 masters of vessels of twenty tons or greater burden were required on entering any Rhode Island port to repair to the Governor, if in Newport, or to the chief officer in any other town and to "give a just account of their design" and also to give notice of sailing. But the enforcement of the trade and navigation act, as required by the Governor's oath, would banish foreign ships from Rhode Island waters, would prohibit exporting of Rhode Island commodities to foreign ports, including French, Dutch and Spanish ports in either of the American continents, and would embarrass privateers and pirates. For reasons which Cranfield subsequently alleged included unwillingness to enforce the navigation act, Governor Sanford, although reëlected in 1683, "did own his allegiance to his majesty, yet said he had sufficient reasons and would not accept to engage." William Coddington (2d) was elected, and persuaded to accept. He had been elected as Assistant, and released on request, but the Assembly did "judge it will not be safe for this Assembly upon the same terms to release him from being Governor, notwithstanding his present allegations, and therefore do earnestly desire him to take his engagement, we seeing an absolute necessity for the same." William Coddington thereupon took the engagement as Governor and also "took the oath for trade and navigation." Francis Brinley, who was strongly royalist, had been the King's agent for presenting the King's proclamation concerning trade and navigation to the General Assembly. Instead of returning the proclamation to Brinley, who, if Cranfield's statement was accurate, was commissioned to observe the taking of the oath annually, the General Assembly in 1682 committed it to the keeping of the Governor. Cranfield alleged that the Governor did not take the oath to enforce the trade and navigation act in Brinley's presence, but desired him to withdraw, and also accused the General Assembly of having "passed an act for the keeping it according to their minds." Rhode Island had incurred Cranfield's displeasure through refusal, without sight of his commission, to recognize his right as member of a commission appointed by the King to conduct an inquest at Richard Smith's house, near Wickford, into the conflicting claims of Rhode Island and Connecticut to the Narragansett country.\* Cranfield at that time was Lieutenant Governor of New Hampshire; one of his associates on the Narragansett commission was Randolph, English collector of customs at Boston. Both were hostile to the chartered colonies. Rhode Island had not only refused to recognize Cranfield's right; the General Assembly had forbidden him and his associates to hold court in any part of Rhode Island, resting their right upon the Charter. In his report to the King, Cranfield and his associates accused Rhode Island of "great contempt offered to your majesty's commission."

\*Chapter V.



VIEW IN JENKS PARK, CENTRAL FALLS



WEST WARWICK JUNIOR HIGH SCHOOL



In a letter accompanying the commission report, Cranfield expressed his opinion of Rhode Island more at length and even more emphatically, thus:

All appeared, except the Rhode Islanders, who the same day of our convention did assemble their general court and send one Captain Greene with a letter from them to prohibit our proceedings. . . . Myself and the rest of the gentlemen desired him to hear his majesty's commission read . . . which he refused either to hear or take a copy of; and no sooner returned to the court but a marshal was sent to proclaim us an illegal assembly, and showed so much undutifulness and disrespect to his royal commission that had we not borne it with moderation, it might have occasioned great mischief. *They are a people utterly incapable of managing a government.* . . . For their records and laws are so kept that none can know them, nor come to see them, without much expense of money and time; and when seen, are hard to be well understood.

When Mr. Randolph came first into these parts to be collector, etc., he brought with him a commission from his majesty empowering himself and several others, with the magistrates of Rhode Island, or any five of them, to administer an oath to the newly elected Governors yearly, to observe the acts of trade and navigation. Mr. Randolph was present when the Governor first took the said oath, and left the commission with one Mr. Brinley, who yearly presented it in court and required observance thereof, which was performed till the election in May, 1682, and then the Governor (one Major Peleg Sanford, who now comes over as agent with Captain Arthur Fenner) refused to do it before Mr. Brinley, but desired him to withdraw, and afterward took it; but would never deliver the commission again. And, as I am informed, their Assembly, to whom it was not directed, have passed an act for the keeping it according to their minds. Their laws are so repugnant to the laws of England, so confusedly kept, and not public, that it is very hard to see them. The laws of England are denied to the inhabitants, saying they have laws of their own making. Neither are they under any obligation or oath, for they will not admit their Deputies to take an oath before they sit in court to consult and act in the affairs of the corporation. Much more might have been said to your lordships of the corrupt\* and unjust proceedings of that government; and those persons that come over are declared enemies to the interest of his majesty and royal highness, and carried themselves as disrespectful to his majesty's commissioners. And to speak impartially, the other colonies have not in their actions given any demonstrations of the contrary, and never will be otherwise till their charters are broke, and the college at Cambridge utterly extirpated. For from thence those half-witted philosophers turn either atheists or seditious preachers.

**QUARREL OVER NARRAGANSETT COUNTRY**—Rhode Island appointed Captain Arthur Fenner and Major Peleg Sanford as agents to represent the colony in England in any proceedings that might be taken on the report of the Narragansett commissioners. William Coddington was reelected as Governor in 1684, and took the engagement and oath to enforce the trade and navigation act—in his own home, at which the General Assembly met for the purpose, because the Governor was ill. Governor Coddington after reelection in 1685 refused to accept office, and Henry Bull was elected as Governor in his stead. In 1684, at the urgent request of his majesty, Rhode Island enacted a law "for the restraining and punishing privateers and pirates," which forbade Rhode Islanders to enter the service of foreign princes as privateers. Upon receiving news of the death of King Charles II, February 6, 1685, and the accession of King James II, the General Assembly sent a letter to King James assuring him "that in your enjoyment of the crown of your ancestors and the government of this colony we are your faithful and obedient subjects." His majesty's reply was so cordial as to suggest that there was little need to fear action adverse to Rhode Island on the report of the Narragansett commissioners. The General Assembly met in October, 1685, at Providence. The record for the second day's session opens with the title "Dies Jovis," and that for the third day with the title "Dies Veneris." Plans were made for establishing a new plantation of fifty families in the Narragansett country. The Recorder evidently did not know that "Dies Irae" was at hand.

Fortunately for Rhode Island (eventually) the recommendation of the Narragansett commissioners that the Narragansett country be awarded to Connecticut was not carried into

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\*Cranfield by his contemporaries was accused of gross corruption in public office.

effect. King Charles II was maturing other plans, which contemplated the union of all New England in a royal province. In November, 1684, the Narragansett country was included in a royal province consisting of New England except Rhode Island and Connecticut. The plans were modified somewhat after the accession of James II, in 1685. The Narragansett country, Maine, New Hampshire and Massachusetts (without Plymouth) were united under a president and council. Joseph Dudley was appointed as President and Edward Randolph as Secretary. The Narragansett country was organized as the King's Province; a court was established, and the province was divided into three towns. Rochester, Haversham and Dedford, respectively, replaced Kingstown, Westerly and Greenwich.

Before King Charles's plan for uniting all New England could be carried into effect in compliance with the niceties of the English law of the period, the Charters of Rhode Island and Connecticut must be revoked, as had been that of Massachusetts. Randolph prepared charges against Rhode Island to support a writ of *quo warranto*, in which he accused the Governor and Company of Rhode Island of misdemeanors as follows:

1. They raise great sums of money upon the inhabitants of that colony, and others by fines, taxes and arbitrary imprisonment, contrary to law, and deny appeals to his majesty.
2. They make and execute laws contrary to the laws of England.
3. They deny his majesty's subjects the benefits of the laws of England, and will not suffer them to be pleaded in their courts.
4. They keep no authentic records of their laws, neither will they suffer the inhabitants to have copies of them.
5. They raise and cancel their laws as they please, without the consent of the General Assembly.
6. Their Governor, Deputy Governor, Assistants, Deputies, and other officers for the administration of justice, as well as juries and witnesses, are under no legal oaths.
7. They violate the acts of trade, and have taken from Francis Brinley, Esq., his late majesty's commission, appointing the said Brinley and others to administer an oath to the Governor of that colony for his duly putting in execution the act of trade and navigation, made in the twelfth year of his late majesty's reign; the Governor of that colony not having taken the said oath these three or four years last past, as is required in the said act.

From Randolph's point of view the charges were all true. As to the first charge, taxes had been levied and collected in the Narragansett country. As to the second, the Charter authorized the enactment of laws varying from the laws of England to meet the necessities of different environmental conditions. As to the third, the colonial laws were enforced in the colony courts, but there had been numerous appeals to England, far too many appeals for the welfare of the colony. As to the fourth, it was true that there was not until 1719 a printed copy of colony laws. John Clarke, Roger Williams, John Sanford, John Greene and Joseph Torrey were appointed in 1664 to consolidate the laws, but probably did not do so. John Clarke was ordered to collate the laws in 1666, William Harris and John Greene to examine his work when completed; and in 1667 John Clarke's appointment was continued. Again, in 1680, Thomas Ward, Arthur Fenner, John Greene, Francis Brinley, John Easton, William Wordell and John Sanford were appointed "to take view of the laws and acts of this colony and to put them into such a method that they may be put in print." The laws were not printed in 1680; probably the committee did not function. Again, in 1686 "the Assembly, taking into serious consideration to have the laws of this colony composed, extracted, altered, amended and drawn up into a better method and form," appointed Peleg Sanford, Thomas Ward and John Williams as a committee. The suspension of the Charter followed before this committee reported. On the other hand, provision was made regularly by the General Assembly for the sending of copies of the session laws to the towns, and laws diverging seriously from routine were proclaimed and published by beating of the drum. In 1682 town clerks were ordered to have copies of the colony laws at town meetings for inspection by freemen; officers might request possession of copies of the laws for examination on giving a

proper receipt for return before the next town meeting. As to the fifth charge, Randolph had drawn a distinction between the parliamentary General Assembly and the General Assembly of the freemen. As to the sixth, Rhode Island officers were engaged by affirmation. As to the seventh, there is no question that the General Assembly and Governor had put the royalist upstart, Francis Brinley, in his proper place by taking from him the alleged commission, and providing for the administration of the oath to enforce the trade and navigation act by properly authorized officers. The charges were only those that might be made against any democracy ; Rhode Island was intensely "democratical" in the seventeenth century.

**QUO WARRANTO PROCEEDINGS**—The writ of quo warranto was issued October 6, 1685, and was served by Randolph himself on June 22, 1686. The writ was actually invalid when served because the date for return had expired. The General Assembly met by previous adjournment on June 29. The Governor had ordered notice "to be given to all the free inhabitants, especially to those of the chief towns in this colony, that they would be pleased to make their appearance either in person or in writing at the sitting of this Assembly." Many of the freemen of the said towns did meet and give in their judgment to the Assembly, and then left the further proceeding concerning the premises to the judicious determination of the Assembly." In this procedure there was, in a constitutional crisis, a return to direct democracy in practice—the summoning of all the freemen to consider and advise upon the determination of a question not clearly within the jurisdiction conferred upon the representative body. The parallel practice in modern times is the popular referendum. The General Assembly recognized the futility of contesting the writ in his majesty's courts, and voted "not to stand suit with his majesty, but to proceed by our humble address to his majesty to continue our privileges and liberties according to our Charter, formerly granted by his late majesty, Charles II, of blessed memory." This action, in view of the fact that the Charter never actually was surrendered, could be construed, as it was, as a policy of submission, the Charter being suspended temporarily, but not abated. Before adjournment this General Assembly, the last that was to meet until 1689, made provision for carrying on the affairs of towns in town meetings, thus: "It shall and may be lawful for the freemen of each town in this colony to meet together and appoint five or more or fewer days in the year for their assembling together, as the freemen of each town shall conclude to be convenient, for the managing the affairs of their respective towns; . . . . that the freemen of each town yearly . . . . nominate and elect such and so many town officers as they shall think meet for the managing of the affairs of their respective towns; . . . . that what the greater part of those that meet shall lawfully order and do concerning making town rates, and the other affairs of their town, shall be valid and firm, until the said freemen shall see cause to repeal or make void such order or orders."

The General Assembly's address to his majesty waived the fact that the writ was received after the date set for answer, and declared that the colony "would not stand suit," but prayed and implored favor and relief in religious and civil concerns "because we are a people that have been and are loyal to the royal interest and despised by our neighboring colonies." The address requested specifically (1) that "you will please to continue our privileges in *statu quo prius*, with respect to indulgence in matters of religious concerns and forming of oaths or attestations"; (2) that "as the port of Newport, on Rhode Island, lies in the heart of all your majesty's colonies, it may be a free port for navigation and entries, paying duties"; (3) that "no persons may be imposed over us that suit not the nature and constitution of your majesty's subjects here"; (4) that "all things wherein we have been weak or short through ignorance may be remitted and pardoned." Two other addresses were sent to the King, one by a group of royalists, including Francis Brinley and Richard Smith, who submitted to his majesty and disclaimed the reference of the matter to the

judgment of the General Assembly, which had been the action taken by the majority of the freemen on June 29; the second by the Quakers, who declared that they were "a loyal and peaceable people" who could not "in conscience bear arms nor learn war any more," and prayed "that they may be excused, being willing to pay all just rates and duties for carrying on the commonwealth's affairs and for supporting the government with others, according to estate and strength."

**ANDROS IN NEW ENGLAND**—Sir Edmond Andros was appointed Governor of the province of New England including the King's Province, Maine, New Hampshire, Plymouth and Massachusetts, in succession to Dudley, June 3, 1686. It is worthy of note, as affecting Rhode Island's dearest privilege, that the commission to Governor Andros guaranteed liberty of conscience, thus: "And for the greater ease and satisfaction of our loving subjects in matters of religion we do hereby will and require, and command, that liberty of conscience be allowed to all persons." Randolph had been of similar mind; in a letter written from Rhode Island June 22, 1686, to Governor Hinckley of Plymouth, he rebuked the latter, thus: "I am come hither in my way to Narragansett, and am here entertained with an unpleasing story (if true) that is, about three weeks since some persons of this place were at Scituate,\* where a constable came and demanded three pounds of Edward Wanlaye, for to pay the minister, and have treated others in the same manner. Truly, I am very sorry, since his majesty has been graciously pleased to grant liberty of conscience in our government, that it should be restrained in your colony, without any particular directions from Whitehall. Sir, let us bring the matter to the square, and perhaps it will be as reasonable to move that your colony should be rated to pay our minister of the Church of England, who now preaches in Boston, and you hear him not, as to make the Quakers pay in your colony, when what is a rule for us, is a very good direction to others; and may be applied securely if not practised to the rest of his majesty's subjects, who are all entitled to that blessing and favor; which I leave to your very serious consideration, and am your assured friend." No small part of the unpopularity of Randolph and Andros in Massachusetts was attributable to their insistence upon religious freedom, which was as distasteful in the Bay Colony as it had been fifty years earlier; on the other hand, Andros could not offend Rhode Island while he insisted upon religious liberty. Upon receipt in England of the General Assembly's address declaring its resolution not to contest the writ of *quo warranto*, Andros was directed (September 13, 1686), "to demand the surrender of their charter into your hands, in pursuance of their said declaration and address, and taking our said colony of Rhode Island and Providence Plantations under your government, to exercise the like powers and authorities in reference to the same, as we have given and granted . . . for the government of other colonies within our territory and dominion of New England."

The attitude of Andros toward Rhode Island was conciliatory and kindly. Perhaps it was the fact that Rhode Island had entertained him hospitably when, in 1679, while Governor of New York, he had visited Rhode Island. The General Assembly ordered that he "be suitably honored and accommodated as a person of his high degree and worthiness, according to our ability." In compliance with his instructions, in 1686 he demanded surrender of the Charter, but at the meeting of his first council in Boston he accepted an *acknowledgment of surrender of the Charter* made by Walter Clarke and Walter Newbury, who, with John Coggeshall, Richard Arnold and John Alborough, represented Rhode Island in the council. He interposed no serious objection when told by Walter Clarke that the Charter of Rhode Island was in his custody at Newport. He heard patiently the statement "that it should be forthcoming when sent for, but in regard to the tediousness and bad weather, it could not then be brought." Later, when Governor Andros finally requested Gov-

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\*Not Scituate, Rhode Island; Scituate, Massachusetts, formerly Scituate, Plymouth.

ernor Clarke to surrender the Charter, the latter, who had permitted his brother to carry the Charter away, in anticipation of the request, declared that he did not know where the Charter was, and Andros showed little discontent. The Clarke house was searched carefully for the Charter, *which could not be found*. Andros obtained possession of the colony seal and broke it. Perhaps Andros, who was in many respects a benevolent despot and who did not deserve the harsh epithets applied to him by the Massachusetts historians, who hated him for his insistence upon religious liberty as much as for any other reason, considered the Charter as no longer more than a document having merely historical interest, in view of Rhode Island's failure to answer the writ of *quo warranto*, and the general attitude of non-resistance in the colony. It did not occur to him that failure to answer a writ that was no longer returnable might be construed as not entailing a forfeiture, or that government under the Charter might be renewed when opportunity was more propitious. Rhode Island evinced little resentment toward Andros. As a royal Governor his picture hangs with those of Governors elected by the people in the illustrious company in the Corridor of Governors at the State House.

Rhode Island for the time being became a county in the Province of New England. The administration of justice and the conduct of routine business was entrusted to a general quarter sessions and inferior court of common pleas, with Francis Brinley as presiding justice, the other justices being Peleg Sanford, Richard Smith, John Torrey, John Coggeshall, Caleb Carr, Arthur Fenner, Simon Ray and James Pendleton. The court appointed constables and overseers of the poor for the several towns, and disposed of complaints involving minor misdemeanors, including violations of laws regulating the sale of liquors and forbidding sales on Sunday. It ordered a bounty for the killing of wolves, and for Newport the regular cleaning of chimneys as a precaution against fire, and the provision with each house of a ladder long enough to reach the ridge. The court ordered the construction of two courthouses, one at Newport and the other at Rochester (Kingstown), and the assessment and collection of taxes. The last session of the court of which there is a record preserved was held on December 11, 1688.

**LIBERTY OF CONSCIENCE IN ENGLAND**—Meanwhile, in England, liberty of conscience, so far as it involved concessions to Catholics in a Protestant country, had proved the undoing of King James II toward the end of the fourth year of a tumultuous reign. Charles II had died a Catholic. James incurred displeasure by appointing Catholics to public office. Liberty of conscience to all denominations was proclaimed in England and Scotland in April, 1688. A second declaration of liberty of conscience was ordered read in every church on April 25, 1688. The Archbishop of Canterbury, head of the established Church in England, and six other Bishops demurred, and were committed to the Tower. In June the Bishops were acquitted, and William of Orange was invited "to save England from a Catholic tyranny." William, with an army landed at Torbay on November 5, 1688, and James II fled from London on December 11, and escaped to France eleven days later. Parliament declared "that it hath been found by experience to be inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince." From this Parliament as from others for the 150 years from 1678 to 1828 Catholics were rigidly excluded under the "disabling" act. William and Mary became joint sovereigns in February, 1689.

An uprising against Andros occurred in Boston immediately upon receipt of news of William's invasion of England. Andros and his immediate followers were arrested and imprisoned, and the General Court was reestablished. The revolution was complete by the middle of April, two weeks after a messenger had brought the news from England.

**CHARTERS RESUMED**—On April 23, 1689, two who signed themselves “W. C.” and “J. C.” issued a “call to the people of Rhode Island to assume their former government,” thus:

WHEREAS, We have seen a printed paper, dated from Boston, the eighteenth of April last, which signifieth that Sir Edmund Andros, our late Governor, with several others, are seized and confined, so that many of the free people of this place are bent to lay hold of their former privileges:

Neighbors and friends, we therefore cannot omit to recommend unto you our present grievance, to wit, that we are sufficiently informed that as our late government, under which we were subservient, is now silenced and eclipsed, we, under a sense of our deplorable and unsettled condition, do offer to you, whether it may not be expedient for the several towns of this late colony, the several principal persons therein, to make their personal appearance at Newport before the day of usual election by Charter, which will be the first day of May next, there to consult and agree of some suitable way in this present juncture, and whether our ancient privileges and former methods may not be best to insist upon, which we leave to your judicious consideration, and that you may not say you were ignorant, but had the most timeliest notice that could be given at so little warning, is all at present from your real friends and neighbors.

The paper believed to be the original was in the handwriting of Walter Clarke, Governor by last election, which identifies him as “W. C.” Probably John Coggeshall, Deputy Governor, a courageous soul, was “J. C.”

At a meeting of the freemen held in Newport on May 1, 1689, government under the Charter was resumed, and the Governor, Deputy Governor and Assistants elected in 1686, were continued in their several offices for the years ensuing or until further news from England. A declaration was adopted, as follows:

We, the Assembly of freemen of the colony of Rhode Island and Providence Plantations, in New England, having assembled this first day of May, 1689, do with all due and humble submission make our humble address to the present supreme power of England, declaring that the late government of New England, whereof Sir Edmund Andros was Governor-in-Chief . . . . is now silenced. . . . By which overture, we, the freemen aforesaid, were void of government, the consequences whereof appearing dangerous, we have thought it most safe for the keeping of the peace of our colony to lay hold of our Charter privileges, establishing our officers according to their former station. . . . Further, we humbly pray, if any ill-affected person should endeavor to suggest any complaint against us, it may be so favorably construed and suspended, so that we may make our defence. . . .

The declaration was signed for the Assembly by Walter Clarke, John Greene, and Walter Newbury. Andros escaped from prison in Boston and reached Newport, but there was captured by Peleg Sanford and returned to Boston. Under date of January 30, 1689-1690, John Coggeshall, Deputy Governor and six of the ten Assistants chosen in 1686 addressed a petition to William and Mary to grant “a confirmation to our Charter, which, although it was submitted to his late majesty, nevertheless it was not condemned nor taken from us.” The petition conformed to the facts; there had not been in England a voiding of the Charter; it had not been surrendered in America. The petition alleged that Charter government was resumed, because, with the imprisonment of Andros, Rhode Island was “destitute of government.” Walter Clarke refused to serve as Governor. At a meeting of the General Assembly in February, 1689-1690, Christopher Almy was elected Governor and refused to serve. Henry Bull, one of the earliest settlers of Newport, was elected. Governor Clarke refused, on request, *to deliver* the Charter, which was in his possession, but declared “that it was in a chest, and he would give leave to take it.” Upon the appearance of a committee he “refused to let the Charter go unless the committee would forcibly open the chest and take it.” Thus cautiously did Governor Walter Clarke assist in the restoration of Charter government in Rhode Island. The former Treasurer, upon request, turned over to a new Treasurer the colony funds in his possession. A new seal “being the Anchor with the motto ‘Hope’” was adopted. At a meeting of the Assembly on May 1, 1690, the Charter was “produced by gen-

tlemen appointed, to the open view of the Assembly, and as carefully returned to his custody again," that is, to Walter Clarke. At the meeting of May 7, following, Walter Clarke surrendered the Charter to the Assembly, which, as was the custom, placed it in the custody of the new Governor, John Easton. On May 1, Thomas Ward, who had possession of the colony records, refused to "deliver them without they be taken out of his hand by distraint." The crisis was past, however, although, not until December 7, 1693, was there action in England which was decisive. On that date the Attorney General, Edward Ward, held that the Charter had not been revoked by *quo warranto*, and was actually in force in Rhode Island *de lege et de facto*. "I see nothing in point of law," he wrote, "but that their majesties may (if their royal pleasure be so, and no objection in point of state arise against it) gratify the petitioners and confirm their Charter."

**INDEPENDENCE ASSERTED**—King William's War had begun in Europe in 1689 and soon thereafter involved the English and French colonists in America.\* During this war Rhode Island was once more constrained to assert sturdy independence—the occasion arising from the attempt of Sir William Phipps, royal Governor of Massachusetts, to obtain control of the Rhode Island militia. Phipps endeavored also to obtain control of the Connecticut militia and there met conflict not only with the colonial government but with Governor Fletcher of New York, who likewise was trying to control the Connecticut militia. A special session of the General Assembly was convened by Governor Easton on August 2, 1692, to discuss the situation. It appeared that Phipps in a letter to the Governor had asserted that he had a commission as commander-in-chief of the militia and of all land and naval forces of New England. Phipps kept John Greene, who was sent to Boston to see the commission and to discuss the establishment of a post office, waiting five days, and then sent Greene home without answer. When Phipps visited Newport, Governor Easton was equal to the occasion; he listened to Phipps and then promised to refer the matter to the General Assembly. The special session of the General Assembly was called, not so much because of the failure of diplomacy, as because Phipps had endeavored to issue commissions to persons known not to be in sympathy with the colonial government for the time being. The Assembly determined to appeal to their majesties. Other appeals had been filed by Connecticut, East Jersey and West Jersey, against Governor Fletcher's claim to control their militia. On April 2, 1684, the Attorney General and Solicitor General sustained Rhode Island thus: "We are humbly of the opinion that the Charter and grants of these colonies do give the ordinary power of the militia to the respective governments thereof; but do also conceive that their majesties may constitute a chief commander who may have authority at all times to command such proportion of the forces of each colony or plantation as their majesties shall think fit. . . . But in times of peace and when danger is over the militia within each of the said provisions ought, as we humbly conceive, to be under the government and disposition of the respective Governors of the colonies, according to their charters." By royal decree Rhode Island's quota of men to be sent to the defence of New York in war times was fixed at forty-eight; and the Governor of Massachusetts was limited to a quota properly apportioned and to be called to his colors only in the event of war. Otherwise the Rhode Island militia was reserved exclusively to the control of the colony. When, in 1697, the Earl of Bellemont was appointed as Governor of New Hampshire, New York and Massachusetts and as "captain general over the colonies of Connecticut, Rhode Island and other places," it was provided that "in times of peace the militia within each of the said colonies be left to the government and disposition of the respective Governors of the same," with power reserved to the captain general "in case of apparent danger or other exigency . . . to take upon himself the superior command of these forces." Rhode Island continued to maintain successfully throughout the colonial

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\*Chapter VIII.

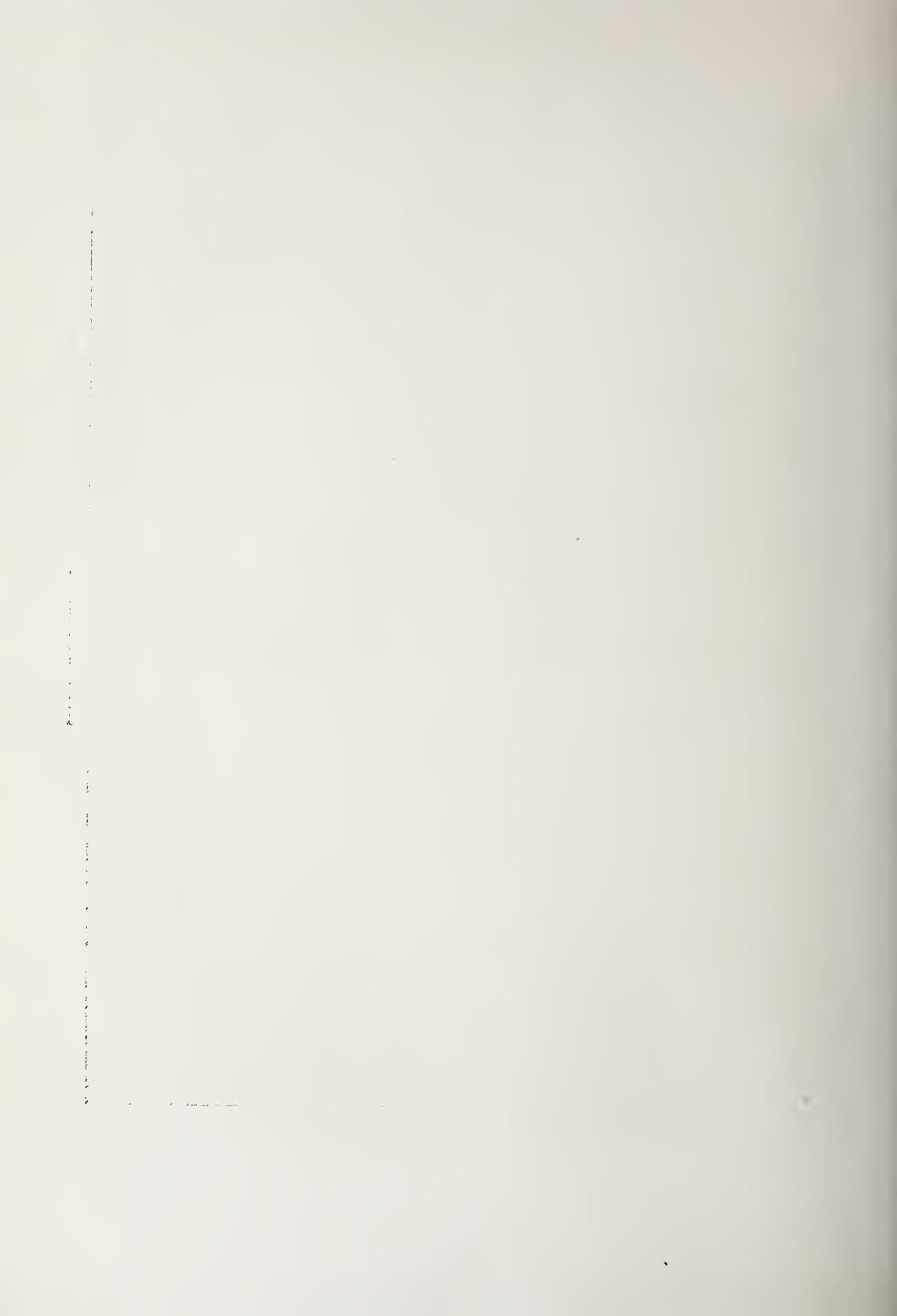
period command of the militia. In the later wars, the Rhode Island troops were consolidated in a Rhode Island regiment under their own officers.

**ALLEGED FRIENDSHIP FOR PIRATES**—Pretexts for conflict were found occasionally. Rhode Island did not send troops to New York during King William's War, though frequently solicited; pleading the necessity of home defence, the colony offered commutation in money. The English Board of Trade censured Rhode Island for neglect and cautioned care in the future, in a letter dated February 9, 1696-1697. The same letter complained of the activities of pirates, and quoted statements made in the course of the trial of a pirate named Avery in London that Rhode Island was a "place where pirates are ordinarily too kindly entertained." The letter accused Rhode Island, on hearsay evidence, of conniving at the fitting out of pirates. Governor Cranston answered on behalf of the colony that one of the pirates named had cleared from Newport with regular papers for a legal voyage, and that the other was not known. The General Assembly issued a proclamation against piracy and directing officers to apprehend pirates and persons suspected of piracy or of aiding and abetting pirates. A statute forbidding the bringing of the spoils of piracy—foreign coin, gold, bullion, silver, merchandise and other treasure—into the colony was enacted. Robert Munday and George Cutler, suspected of piracy, were arrested and held for trial. Randolph brought serious accusations against Rhode Island with reference to piracy, thus: That Munday and Cutler, after two days in jail, were admitted to bail, and departed, leaving the Governor and the bondsman (his uncle) to share the gold and silver taken from them, £14,000 or £15,000; that Governor Clarke and his brother had countenanced piracy and profited from it; that Deputy Governor Greene had cleared a pirate without bond. There appears to be no doubt that Rhode Island was a resort for privateers, and it was entirely probable that pirates also occasionally found shelter in the convenient anchorages in and about Narragansett Bay. Bellemont and Randolph were both persistent enemies of Rhode Island, and neither hesitated to make any accusation, false or true, to support which even a scintilla of evidence could be found.

**ROYALIST MALCONTENTS**—Henry Bull, elected Governor in 1685, was engaged as Governor and "also engaged to the acts for the encouraging of trade and navigation." For twelve years thereafter, including the years of the usurpation of Andros in which there was no inauguration of a governor in Rhode Island, the trade and navigation acts were not mentioned in the records of the General Assembly. Under date of April 22, 1697, King William in a proclamation ordered "a strict and punctual observance of the several laws in force" under penalty that "by any wilful fault or neglect on your part we shall look upon it as an infraction of those laws tending to the forfeiture of our letters patents for the government of that our said colony." The royalist party in Rhode Island at that time seized upon the trade and navigation acts as a pretext for complaints to the mother country. Francis Brinley, Peleg Sanford and Jahleel Brenton became active. Peleg Sanford complained to the English Board of Trade that Governor Walter Clarke had taken possession of a commission issued to Sanford as judge of the court of admiralty, on pretext of presenting it to the General Assembly, and subsequently had refused to engage Sanford as judge by oath and to return the commission, though it was demanded several times. Sanford, Brinley and Brenton complained to the King that Governor Clarke refused to take the oath to enforce the trade and navigation acts, thus: "That on the seventeenth day of this present month of January (1697-1698), at the town of Newport . . . we went to the dwelling house of Walter Clarke, Governor . . . and did then and there show to the said Walter Clarke your majesty's said commission, and the oath which is mentioned in it, and wrote down after the said commission; and did also offer and tender to the said Walter Clarke the said oath, which oath the said Walter Clarke did positively refuse to take." The relation alleged a second



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unsuccessful attempt to persuade Clarke to take the oath on January 21. Jahleel Brenton also reported to the English Board of Trade (1) that Governor Clarke " (who is a Quaker) hath refused to take" the oath to enforce the trade and navigation act; (2) that Governor Clarke had refused to administer the oath as judge of the court of admiralty to Peleg Sanford, and had withheld Sanford's commission; (3) that Governor Clarke had refused to subscribe the "association which is required by the act made for the better security of his majesty's royal person and government, though the same was generally subscribed by others in that colony at that time." This subject was removed from controversy by the election of Samuel Cranston as Governor. Governor Cranston was elected Governor of Rhode Island thirty times annually and took the oath to enforce the trade and navigation acts as many times as he was elected and engaged as Governor.

A fresh pretext for agitation by the royalist party, still pursuing its favorite project of discrediting and destroying the Charter government and reducing Rhode Island from its proud position as a republic to the status of a royal province, was mentioned in Jahleel Brenton's letter of March 8, 1697-1698, thus: "And I further beg leave to acquaint your lordships that I am humbly of opinion it would much conduce to his majesty's service and the good of his subjects in the colony of Rhode Island that the government of that colony were commanded to print all such laws as have been there made and are now in force. For they are so meanly kept and in such blotted and defaced books (having never yet, any of them, been printed), that few of his majesty's subjects there are at present able to know what they are." Randolph, in the same year, renewed his fight against Rhode Island, thus: "Walter Clarke, a Quaker, being several years Governor, quitted the place because he would not take the oath enjoined him by the acts of trade. . . . But the management of the government (such as it is) is in the hands of Quakers and Anabaptists. Neither judges, juries or witnesses are under any obligation, so that all things are managed according to their will and interest. . . . The House of Deputies, being the lawmakers, take no oath nor engagements. . . . I humbly move your lordships to order that an authentic copy be made of all the laws of Rhode Island, now kept on loose papers, and transmitted to your lordships (after they have been truly examined and compared by Colonel Peleg Sanford, judge of his majesty's court of admiralty, and Mr. Francis Brinley, men of great estate in that government), by which their ignorance in making, and their arbitrary execution of these laws will most evidently demonstrate that they are no way capable to govern the people in that colony." The Randolph letter contained also charges of connivance at piracy, and this paragraph: "There are a great many men of good estates in Rhode Island, groaning under the oppression of this lawless government, who would do his majesty faithful service if either put under his immediate government or annexed to the province of the Massachusetts Bay. They have offered to allow £500 per annum toward the support of a person appointed by his majesty to be governor over them." Not all the rich men of Rhode Island, nevertheless, were thus at odds with the shaggy democracy.

The English Board of Trade on February 23, 1697-1698, had ordered Rhode Island "to transmit unto us authentic copies of all the acts or laws" of the colony; and the General Assembly had appointed a committee of three, which it subsequently increased to six, "for abbreviating and bringing into a body the acts of Assembly, in order to be sent home with all expedition according to their lordships' commands." The committee was ordered to report at the October session, and the Assembly voted "for their encouragement to allow them such salary as may be convenient, with their reasonable expense in said affair." At the October session it appeared that "through the remoteness of the persons so appointed and the difficultness of their coming together, it has been wholly neglected," and the Governor, the Assistants of Newport and the Recorder, with "such further assistance as they shall think needful" were ordered "to make what expedition they can for the perfecting what is needful in said laws." The work

of the Governor and Assistants, in preparing a transcript of the laws, which was forwarded on May 27, 1699, did not satisfy the Board of Trade. Their comment follows:

We required of you authentic copies of all the acts or laws in force in the colony of Rhode Island and Providence Plantations, by which you should have understood a fair transcript of all the said laws, fastened together by the public seal of the colony, and so attested by the proper officer; but instead thereof, you have sent us some leaves of paper stitched together, but without any seal, and attested by Weston Clarke\* to be a true abstract of your laws, which (whatever is meant by it) in true signification is very different from a true copy.

But, admitting this was intended for a copy, and not an abbreviation or abstract only, yet the blots in some places, the blanks in others, the want of sense in some expressions, the want of titles to the different acts, and the disorderly placing of some of the acts (those of later dates before those of former) are such marks of negligence that we can by no means depend thereupon; and therefore we are again obliged to repeat our former directions that you fail not to send us, with all possible diligence, a perfect copy of all your laws, in authentic form, under the public seal.

The Earl of Bellemont, commissioned on March 9, 1698-1699 to conduct a special inquiry in Rhode Island in order to procure "full and legal evidence of the misdemeanors of the Governor and Company," was directed, along with other things, to obtain "authentic copies of all the acts of their General Assemblies, which are now in force amongst them, as also of the journals of their public proceedings, as also of other public records, registers, or entries, relating to the administration of that government, which may best tend to discover the disorders and irregularities countenanced or practised in it." The Governor presented Bellemont's request for the copies indicated to the General Assembly on October 25, 1699, and the Assembly appointed a fresh committee with "full power by virtue of this act to inspect into the transcription of all and every the before premised laws and acts of the Assembly, and to make returns to the next adjournment." At the November session it appeared that the last committee had made up a list of acts to be continued and of acts to be repealed as the basis for making a report of all the laws actually in force; the action of the General Assembly was practically tantamount to the adoption of a complete revision, conforming to the modern practice of enacting the body of general laws reported by a revision commission as a new statute. The law of November, 1699, provided:

That all acts by the committee returned, suitable to be continued, as is mentioned in their list, reference thereunto being had in the Recorder's office, are hereby continued and confirmed, with all the acts in the first transcript, a copy of which was sent to their lordships, as abovesaid, are to be continued, confirmed and be observed, and shall be deemed to be the whole body of laws to be observed in this his majesty's colony, aforesaid; and all other laws and acts of said colony, except such as are made touching titles of land, to be from henceforth repealed; and more particularly those acts mentioned on a list returned by said committee to be repealed, made null and void, and of no effect, any law or act, clause or clauses, to the contrary in any wise notwithstanding.

Governor Cranston disregarded Francis Brinley, Peleg Sanford, Nathaniel Coddington, Caleb Arnold and Josias Arnold, whom Bellemont designated to continue certain inquiries opened by him in his visit, and sent the new digest of the laws directly to Bellemont by messenger, thus snubbing the royalists and arousing their wrath. Some of them immediately denounced the digest as incomplete for failure to include certain laws and incorrect for including other "laws" never enacted by the General Assembly. Brinley, Coddington and Sanford wrote to Bellemont on December 23:

This day we went to the Governor for a copy of *their* laws . . . . but were surprised at his answer that he had sent them yesterday to your lordship, thereby breaking his word with us (who were often with him) to give us notice when they were transcribed, to receive them. *We are well satisfied*

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\*Recorder.

*that they are not transcribed as they stand on record, and know some of them are not;* and in particular that act forbidding any meeting in the court house for religious meetings,\* and have sent that for an act of the Assembly to your lordship which the Assembly never passed. There are more acts, perhaps one-third or more, that they send not unto your lordship, having thrown them aside, and passed an act that those sent are our own body of laws, to the deception of his majesty and the grievance of the subjects, who have suffered and have been kept in bondage under laws they are ashamed should be seen. They have put a wrong date to those acts they have sent to his majesty to make them more authentic; they begin them 1665, after they had a Charter, but most of them were made twenty years before they had any power or authority to be a government; and were condemned by act of Parliament after the King came to England, in general among other matters when they received power from his majesty by Charter to govern the people of this place. They never renewed their laws, nor passed any act for their establishment, but proceeded to govern by them as authentic and good.† We dare not presume to give your lordship a further account of our miscarriages, for fear our report should not gain credit with your lordship; our enormities being so great and numerous, may surpass belief. We have a great desire your lordship should command our laws should be publicly seen from one end to the other, that your lordship may be satisfied that we complain not without a cause, and that as we are we are not fit nor capable to be a government.

Brinley wrote again to Bellemont three days later: "I have since seen their additional acts, some whereof have been repealed, some altered and some made new. Amongst them is an act made in April, 1672, chiefly against the Quakers, by a ruling power that had no favor for them, but was so ill-resented by the people in general that they were ready to break forth into disorder, had not the court of election been near.‡ They then agreed to turn out of place those that were the cause of that act, so prejudicial to the liberties and privileges of the people in general; and accordingly turned them out and put others in their rooms, choosing a Quaker to be their Governor and other Quakers in other places of government, whereof Walter Clarke was one upon their sitting. They repealed that severe act of whipping, fining and imprisonment for speaking a word or two, as illegal and arbitrary, a copy of which act and repeal is enclosed; they have now inserted it amongst the laws sent to your lordship, with a preface, and would have that pass now for a law, that they some years ago condemned as illegal. . . . ."

Brinley wrote again on December 31: "I cannot omit to acquaint your lordship of the deception our authorities have put upon the Lords Commissioners of Trade and Plantations, as also your lordship and the inhabitants of this colony in sending a transcript of our laws, which are not authentic copies of the original laws and acts in this colony; the greatest part being altered and much varying from them, and passing an act November 21 last to impose them on the King's liege subjects here inhabiting to be the whole body of our laws to be observed in this colony, which said acts not being authentic copies, and as they stand transcribed were never made by our lawmaking assemblies . . . . and by the aforesaid act of November 21 they have repealed all the rest of their laws, which are double to what they have sent. . . . ."

Bellemont's own opinion of the transcript of laws sent to him appeared in a letter sent by him to the Board of Trade early in January, 1699-1700: "I received not the laws of Rhode Island till the twenty-third of last month, which I now transmit to your lordships; it seems that government have taken all this time to prune and polish 'em. And yet after all, I believe the world never saw such a parcel of fustian." The General Assembly in May, 1700, ordered the Governor and Assistants of Newport to "take care for the transcribing the laws of this colony into a true form and method, in a regular manner, that they may be sent to their lordships, under the seal of the colony, as soon as possible it can conveniently be done."

\*Passed July, 1695. Probably Church of England services.

†Not entirely true. The King's commissioner had asked only that laws derogatory to his majesty the King be repealed.

‡Supra.

It is possible that in the confusion in transcribing and revising laws at this period may be found an explanation of a law printed in the digests of 1719, 1731 and 1767, of the enactment of which there is no record in the proceedings of the General Assembly. This act, purporting to have been enacted in 1664, reads thus:

That all men (professing Christianity, and) of competent estates, and of civil conversation, who acknowledge and are obedient to the civil magistrate, though of different judgment in religious affairs (Roman Catholics only excepted) shall be admitted freemen, and shall have liberty to choose and be chosen officers in the colony, both military and civil.

The evidence against the enactment of such a statute in 1664 or in the earlier years of the colony appears (1) in the fact that the Assembly of 1664 in a statute relating to Block Island specifically repeated the words of the charter verbatim: "That no person within the said colony at any time hereafter, shall be in any ways molested, punished, disquieted or called in question for any difference of opinion in matters of religion, and do not actually disturb the civil peace of the said colony"; (2) in the answer of the colony to the King's commissioner in 1665 to the second and third requests: "that all men of competent estates and of civil conversation who acknowledge and are obedient to the civil magistrate, though of differing judgments, may be admitted to be freemen, and have liberty to choose and be chosen officers, both civil and military," and that liberty to practice the orthodox religion be permitted, that "men of competent estates, civil conversation and obedient to the civil magistrate shall be admitted freemen of this colony upon their express desire" and "that as it has been a principle held forth and maintained in this colony from the very beginning thereof, so it is much in their hearts to preserve the same liberty to all persons within this colony forever as to the worship of God"; (3) in the report of the King's commissioners in 1665, that "they admit all to be freemen who desire it," and "they allow liberty of conscience and worship to all who live civilly"; (4) in the commission issued for the conservation of the peace in the King's Province in 1669, "and furthermore, it is to be observed, that each person in the said province is to enjoy the free exercise of his conscience in religious worship, as by the Charter is allowed to the whole colony"; (5) in the fact that the discriminatory statute was not in the hand written digest of 1705. There were neither Hebrews nor Catholics living in the colony of Rhode Island in 1664 to occasion explicit exclusion from political citizenship. Certainly it appears to be altogether improbable that the restriction of political rights to Protestants only was enacted into law while both Roger Williams and John Clarke, and many of the men of the same generation, were still living. The political expediency that suggested a complete revision of the laws of the colony in anticipation of sending a true and authentic copy to Bellemont and the English Board of Trade may have counselled also a concession to the drastic laws of the kingdom against Catholics in force and enforced in England, Ireland and Scotland following the accession of William and Mary. The revolution of 1688 in England was precipitated by the declaration of James II for liberty of conscience to all, including Catholics. Ten years earlier Catholics had been excluded from Parliament and all offices in the government by an act that was not repealed until 150 years later. The government of England, with officers recruited exclusively from Protestants, was aggressively Protestant while William III was King. It might be true that the hand that traced an "authentic copy" of the laws of Rhode Island to meet the exigencies of the situation involved in the ill-concealed hostility of Bellemont inserted the words enclosed in parenthesis "(professing Christianity and)" and "(Roman Catholics only excepted)," lest the omission of restriction be counted an offence by Bellemont in view of drastic restriction in England. Bellemont might well point to a law permitting political citizenship without a religious test, as repugnant to the laws of England. It is also possible, however, that the particular statute as it appeared in printed form in 1719 embodied in the statute law an ancient custom, modified by the Rhode Island statute of August 29, 1700, "that where the laws of this colony or custom shall not

reach or comprehend any matter, cause or causes, that it shall be lawful to put in execution the laws of England, etc., any act or acts to the contrary notwithstanding." The statute, modified by the restriction, would be consistent with English statutes excluding Catholics and Hebrews from political privileges. Certainly the statute affected few persons up to 1719. There were Hebrews in the colony, living under an Assembly order assuring them against molestation, so early as 1684; the date of earliest arrival of Catholics was not recorded. The restrictive statute did not conform to Rhode Island principles, in spite of the argument that might be made to the general effect that a guaranty of liberty of conscience and against molestation because of religious opinion need not be extended from the negative aspects of non-interference to a positive assurance of equal rights; that is, that a state might proclaim toleration without offering privileges without discrimination. The fact that no record of enactment has been found tends to support the theory that the statute in restrictive form was inserted in the copy of the laws sent to Bellemont in the first instance as a matter of expediency, to avoid the ingenuity of a creature of Bellemont's character in finding *evil* in everything *good* that was related to Rhode Island. Probably it was retained in the printed laws for similar reasons, in view of the marked intolerance prevailing in the mother country. The record would be finer if no law of the kind had ever been found in Rhode Island. At the close of the seventeenth century Rhode Island was engaged in a struggle for continued existence as a republic, and desperate measures were necessary to combat the forces that sought to bring the "lively experiment" to an early suspension. To the credit of Rhode Island it should be noted here that the General Assembly in 1783, immediately after receiving news of the signing of an armistice ending the Revolutionary War and assuring independence repealed the act. Rhode Island no longer was under any obligation to enforce the English statutes denying political rights because of religion.

**BELLEMONT MAKES CHARGES**—Under date of November 27, 1699, Bellemont sent to England twenty-five specific accusations against Rhode Island, to be used as the basis for action against the Charter by proceedings in *quo warranto*, in part as follows:

(1) They seem wholly to have neglected the royal intention, and their own professed declaration recited in the letters patent of their incorporation, "of Godly edifying themselves and one another in the holy Christian faith and worship, and for the gaining over and conversion of the poor ignorant Indian natives to the sincere profession of the same faith and worship." Upon which grounds they were granted to have and enjoy their judgments and conscience in matters of religious concerns, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness. In that they have never erected nor encouraged any schools of learning, or had the means of instruction by a learned orthodox ministry. The government being elective, has been kept in the hands of such who have strenuously opposed the same; and the generality of the people are shamefully ignorant, and all manner of licentiousness and profaneness does greatly abound, and is indulged within that government.

(2) They have not kept, nor do they use their name and style of incorporation, omitting therein the word "English" and the words "in America," they being incorporated by the name of the Governor and Company of the English Colony of Rhode Island and Providence Plantations in New England in America.

(3) Their charter requires a meeting of the General Assembly twice in every year. . . . Ofttimes they hold but one Assembly in the year. . . .

(4) Their Assembly is constituted of the Governor, Assistants, and Deputies, or representatives for the several towns; the sole power of calling them is in the Governor. And yet, according to their practice, it is in their pleasure whether the Governor shall preside or be moderator therein or not, which is told by a vote. And it sometimes, luckily, falls on his side.

(5) Their election of general officers is by proxies . . . . contrary to the rules of the Charter . . . . which prescribes that the elections be made by such greater part of the company as shall be present at the General Assembly.

(6) Their military commissioned officers are elected by the soldiers. . . . Their Charter directs that such officers be appointed by the General Assembly. . . .

(7) In the year 1697 Walter Clarke, Esq., then Governor, made out a writ directed to the sheriff . . . . requiring him to issue forth warrants to the Assistants and justices of the several towns, that they meet and assemble to choose representatives to serve in the General Assembly. The Charter directs that the freemen be represented by persons of their own choosing in the several towns. And yet, some chosen by the town council (so called) consisting of some few particular men, have been admitted of the Assembly.

(8) In the same year, 1697, . . . Walter Clarke, Esq., in the General Assembly then sitting, did in the morning actually resign his place or office of Governor; then afterward finding that there wanted one to make up a quorum of the house of magistrates, resumed his place of Governor, sat and acted as such all that day, and adjourned the court at night.

(9) In May, 1699, a General Assembly was held and kept, no writ for calling or convening the same ever coming to the hand of the sheriff or his deputy.

(10) An act was published under the public seal of the colony, as an act of the General Assembly, in the year 1696, which was not laid before nor put in the House of Deputies or representatives.

(11) The General Assembly assume a judicial power of hearing, trying and determining civil cases. . . . The Charter committed no judicial power and authority unto them; neither are the Deputies or representatives, which are the more numerous part of the General Assembly, under any oath or engagement. . . .

(12) They raise and levy taxes and assessments upon the people, there being no express authority in the Charter for so doing.

(13) They hear, try and judge capital offenders, and punish such with death, the Charter giving them no express authority. . . .

(14) They usurp and exercise an admiralty power and jurisdiction without having any such power contained in their Charter. . . .

(15) Their courts of justice are held by the Governor and Assistants, who sit as judges therein, more for the constituting of the court than for searching out the right of the causes coming before them or delivering their opinions on points of law (whereof it's said they know very little). They give no directions to the jury, nor sum up the evidence to them, pointing unto the issue which they are to try. Their proceedings are very unmethodical, no ways agreeable to the course and practice of the courts in England, and many times very arbitrary and contrary to the laws of the place, as is affirmed by the attorneys-at-law that have sometimes practised in their courts.

(16) Their General Attorney is a poor, illiterate mechanic, very ignorant, on whom they rely for his opinion and knowledge of the law. . . .

(17) The Assistants . . . . who are also justices of the peace, and judges of their courts, are generally Quakers and sectaries elected by the prevailing factions among them; illiterate and of little or no capacity, several of them not able to write their names, or at least so as to be read, unqualified to exercise their respected offices, not having taken the oaths. . . . John Greene, a brutish man, of very corrupt or no principles in religion, and generally known to be so by the people, is, notwithstanding, from year to year anew elected and continued in the place of Deputy Governor . . . . whilst several gentlemen most sufficient for estate, best capacitated and disposed for his majesty's service, are neglected, and no ways employed in any office or place in the government, but, on the contrary, maligned for their good affection to his majesty's service.

(18) The aforesaid Deputy Governor Greene, during the time of the late war, granted several sea commissions . . . . unto private men-of-war (otherwise pirates) . . . .

(19) The government is notoriously faulty in countenancing and harboring of pirates, . . . .

(20) The Governor, Assistants, judges, justices, juries and witnesses that pass upon persons for life and death and the whole people are laid under no obligation of an oath . . . . but take only an engagement (so called) of their own framing, making no mention of God therein or appeal unto Him as witness of the truth of what they either promise or testify, subjecting themselves unto the peril and penalty of perjury, only.

(21) I am informed there are no journals or books of entry kept of their orders or acts passed in council.

(22) Divers of their acts and laws passed in the General Assembly, are not made and digested into any proper form or method, only framed by way of vote, and kept on loose scripts of paper, not entered

into any rolls or books; and oftentimes not to be found when inquiry is made for them at the office, that the people are at loss to know what is law among them.

(23) I cannot obtain from them either the journals of the General Assembly, or the laws now in force . . . . the Governor himself acknowledging that the laws which they lately transmitted unto your lordships are but part of what are in force among them.

(24) Many of his majesty's good subjects inhabiting within the said colony and such as are best knowing in the laws of England, do grievously complain of oppression by the maladministration and illegal proceedings of those in the government.

(25) They are wilfully negligent and refuse to comply with or obey the King's commandments sent unto them. . . .

Governor Cranston's speech made unto the General Assembly, called upon the notice I gave him of his majesty's commands unto myself, relating to that government (which is approved and applauded among them), gives some taste of the temper and disposition of the people, and discovers how they stand affected to the laws of England and his majesty's government; *basely insinuating it to be little better than bondage and slavery.*

I apprehend his majesty is neither honored nor served by that government.

It is to be regretted that Governor Cranston's address to the General Assembly has not been preserved. If, as Bellemont asserted, it insinuated that his majesty's government was *little better than bondage and slavery*, it anticipated Samuel Adams and Patrick Henry by almost three-quarters of a century. Bellemont's diary or journal shows that he spent exactly one week in Rhode Island; he must have gathered so much evidence as he had to support any of the charges from the tales poured into his willing ears by the group of royalist sycophants in Newport. Most of the accusations were trivial; even those that indicated deviation from strictly legal compliance with a very narrow interpretation of the Charter were not serious. Like many another Englishman since his period, including both Dickens and Thackeray, he ridiculed American customs because he was not capable of appreciating them. Himself a nobleman of culture, refinement and education, he could not understand how wonderworking was the lively experiment of popular government in Rhode Island. His strictures of illiteracy and ignorance, if literally true, rested upon the observance of conditions that were common among the mass of the plain people of his own generation. Bellemont could not fathom the possibly eternal verity of government resting not in the hands of the classes so much as in the hearts of the masses. His accusation that the people of Rhode Island had not encouraged any school of learning departed from the fact that the beginning of the American public school system was in Rhode Island in 1640. His accusation of profaneness and licentiousness might be interpreted, in the connection in which it was written, as meaning only that the people of Rhode Island were not orthodox in religion. Certainly a people who hesitated to use the name of deity in an oath probably were not profane in the sense connoted to that word in modern usage. It did not occur to Bellemont that the people of Rhode Island might have excellent reasons for keeping out of office men of the type of Brinley and Sanford, whose total unfitness was indicated by their disloyalty to Rhode Island. Three things saved Rhode Island in the crisis—the splendid carriage of Governor Cranston, whose letters to English officers were models for diplomacy and tact; the death of Bellemont in New York, March 5, 1700-1701; and the death of King William, 1702. William Penn, founder of Pennsylvania, became Rhode Island's English agent in 1702, with William Wharton as Solicitor. Penn's influence was helpful in promoting a better opinion of Rhode Island in England. Penn's interest was heightened, no doubt, by Rhode Island's kindly treatment of the Quakers when all New England otherwise was hostile to them.

AN ERA OF BETTER RELATIONS—Meanwhile the General Assembly had undertaken to remedy several matters for complaint. The form of general laws was modified by the introduction of titles to acts. An engagement for Deputies was prescribed, including "true allegiance to his majesty, his heirs and successors," and also "fidelity to this his majesty's Colony

of Rhode Island and Providence Plantations, and the authority therein established, according to our Charter." It was enacted "that where the laws of this colony or customs shall not reach or comprehend any matter, cause or causes, that it shall be lawful to put in execution the laws of England, etc., any act or acts to the contrary notwithstanding." "An act for supporting the Governor in the performance of his engagement to the acts of navigation" was passed. The act entitled "None to oppose General Assembly's acts" was repealed and made null and void. This act had been repealed in 1672, but it was included among the statutes reported as in force in 1699, and was referred to by Brinley as an act that had been repealed, but was reported as among those still in force. In 1703, the Governor, Major Nathaniel Coddington and Weston Clarke were "chosen a committee to draw out the colony laws and fit them for the press," and Abraham Anthony, Captain Nathaniel Sheffield, Richard Greene and Lieutenant James Brown, who had offered to see the laws printed, were authorized and empowered "to cause the said laws to be printed forthwith as soon as may be conveniently." The next year, because the Governor, "being concerned with much public business, could not well attend the premises," Major Henry Tew and Captain Joseph Sheffield were added to the committee "to finish the same with all expedition." In 1705, it appeared that the work of transcribing the laws and fitting them for the press had been "completed for the most part," and Major Coddington, Captain Joseph Sheffield, Lieutenant Joseph Jencks and Simon Smith were appointed "to view over and perfect said laws and likewise to procure said laws to be printed with all expedition. . . . And said committee or such of them as shall be at the charge of printing said body of laws shall have the whole profit of the sale thereof, they allowing one copy for the colony's use." If the laws were printed in 1705, neither the one copy allowed for the colony's use nor any other has been found. Probably they were not printed. Another order for printing them was entered in 1706, and Governor Cranston, in 1708, referred to the laws as being made ready for the press. The laws were transcribed in 1705. In the archive of the state is a book, written by one hand, purporting to contain all the colony laws to 1705. The book was probably the work of the committee appointed in 1702 and continued to 1705.

King William III died and was succeeded by Queen Anne, 1702. Joseph Dudley, appointed Governor of Massachusetts in the same year, undertook to obtain control of the Rhode Island militia, renewing the project of Phipps ten years earlier. Dudley visited Newport with members of his council and a troop of horse, and was received courteously by Governor Cranston and the Assistants. Major Martindale, in command of the island militia, refused to call the latter to take an oath to support Dudley, maintaining that his commission was from the General Assembly. Governor Cranston gave Dudley little comfort. When the General Assembly met subsequently it asserted right under the Charter and Queen Mary's decision in 1692. Dudley encountered no opposition in the King's Province. Dudley's own story of his visit to Newport reflects the temper of Rhode Island at the moment as steadfastly consistent. He wrote: "I told them I should proceed to review and settle the defects of their militia, and desired the names of their officers; but could obtain nothing of them but stubborn refusal, saying *they would lose all at once, and not by pieces.*" Like others, he criticised Rhode Island, thus: "And upon the whole of this article, my lords, I am humbly of opinion that I do my duty to acquaint your lordships that the government of Rhode Island in the present hands is a scandal to her majesty's government. It is a very good settlement, with about 2000 armed men in it. And no man in the government of any estate or education, though in the province there be men of very good estates, ability and loyalty; but the Quakers will by no means admit them to any trust, nor would they now accept it, in hopes of a dissolution of that misrule, and that they may be brought under his majesty's immediate government in all things, which the major part by much of the whole people would pray for, but

dare not, for fear of the oppression and affront of the Quakers party making a noise of their Charter."

There were fighting men among the Rhode Island Quakers during Queen Anne's War, including the Wanton brothers, William and John. The colony was organized on a war footing, and Rhode Island, while insisting upon the colony right to control the militia, responded to every reasonable request made by Dudley for assistance by furnishing soldiers, sailors and transports.\* To secure for Dudley's government at Boston the incidental revenue arising from the condemnation of prizes, Queen Anne expressly repealed and annulled the Rhode Island statute of 1694 creating an admiralty or prize court at Newport, and discontinued her majesty's court of admiralty there. This was the first instance of a royal veto or annulment of a Rhode Island statute; the action of King William in creating a royal admiralty court at Newport in 1698 might be construed as an assumption of a power resting in the crown. The erection of the royal admiralty court would operate to discontinue the colonial admiralty court, in much the same way that the assumption by Congress of a federal function supersedes state activity in the jurisdiction; thus state bankruptcy laws effective in the absence of bankruptcy laws made by Congress, yield if and when Congress enacts a bankruptcy act. Anne went further than William in so much as she repealed the Rhode Island statute and removed the royal jurisdiction to the court at Boston. Governor Cranston, under the military powers vested in Rhode Island under the Charter, commissioned a privateer, and the privateer, the "Charles," brigantine, brought into Newport a prize in a leaky condition, unfit for sailing to Boston. Application was made to Nathaniel Byfield, local agent for Dudley, to condemn the prize. Byfield was reluctant to act, but permitted the landing of the prize cargo to save the vessel from sinking. Byfield denied the validity of the Governor's commission. Byfield at length condemned the prize under orders from Dudley, who yielded, as he alleged, to prevent the embezzlement of the cargo. Byfield in a relation of the episode, subsequently, asserted that his life was threatened, and that his court was invaded by "eighteen lusty fellows," who demanded the reading of a paper, and subsequently "hooted" Byfield and the clerk of the court "down the street . . . without any notice being taken by any in the government there."

MORE CHARGES—Dudley's designs on Rhode Island were supplemented for the time being by similar activity by Cornbury, Governor of New York, against Connecticut. Dudley and Cornbury eventually joined in a common enterprise against both the chartered colonies. In November, 1705, Dudley sent thirteen charges, twelve less than Bellemont, supported by voluminous documentary evidence, against Rhode Island to the English Board of Trade. Dudley charged that Rhode Island (1) did not observe the trade and navigation act, but permitted illegal trade and piracy; (2) was a resort for pirates; (3) received and protected deserters and malefactors and shielded escaping criminals; (4) refused to furnish troops for the defence of New York and Massachusetts; (5) discriminated in administering justice in civil courts against non-resident suitors; (6) tried capital offenses without legal jurisdiction; (7) refused to permit the pleading of the laws of England in court; (8) refused to permit appeals from the colonial courts to England; (9) refused to submit to and "defeated the powers given to the Governors of her majesty's neighboring colonies"; (10) when Dudley presented his commission to command the militia "used indecent expressions toward her majesty, saying they were ensnared and injured and would not give (nor have they since given) due obedience to the said commissions"; (11) refused to permit Dudley to review the militia, saying "they would lose all at once and not by pieces." Dudley accused the Quakers of excluding "persons of estates and abilities" from "places of public trust." He alleged that the government of Rhode Island debauched the crews of two privateers, the

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\*Chapter VIII.

"Lawrence" and "Blew," and thus persuaded them not to convoy a prize to Boston. Cornbury made somewhat similar charges against Connecticut and Rhode Island. Rhode Island's answer included a denial of some of the charges, and an assertion of superior legal authority resting in the Charter with reference to others. Neither Cornbury nor Dudley gave credit to Rhode Island for effort in Queen Anne's War. Though both collected voluminous "evidence," much of it was irrelevant or otherwise faulty. In England the Board of Trade advised measures to curb the chartered colonies; the Attorney and Solicitor Generals suggested that "default or neglect of a proprietor" might warrant action. A bill "for the better regulation of the charter governments," passed by the Commons, was rejected by the Lords, and Rhode Island was saved. Rhode Island won through this crisis eventually on the presentation of proof of a splendid record of loyalty in the war, including the fortifying of the entrance to Narragansett Bay; besides the colony's accredited quota, the furnishing of 400 men and five transports, for which no credit was given by Dudley; £6000 for war purposes; the achievements of Rhode Island privateers against enemy commerce. The colony was heavily in debt and faced a serious economic situation because of the issuing of paper money as a means of extending colonial war credit.

**COMMON SENSE IN ENGLAND**—While William Penn, then Rhode Island's resident agent in England, no doubt was influential in promoting a better opinion there of the staunchly independent though diminutive republic in New England, common sense had begun to assert itself in the mother country and was working toward the establishment of amity and friendship as a sound basis for most profitable commerce within the empire. Three letters to Rhode Island and other American colonies in 1707 and 1708 dealt principally with trade relations and economic matters, including inquiries concerning the slave trade, the operation of the trade and navigation act, clipping coins, population and the increase thereof, trade and the increase thereof, ships, sailors, shipbuilding, etc. Governor Cranston's answers, besides discussing Rhode Island's war service, and answering the questions concerning trade,\* population, etc., covered these matters of earlier controversy: (1) "As to the administration of justice in this colony, we have two general courts of trials . . . annually; at which courts are tried all actional and criminal causes happening within said colony, where the laws of England are approved of and pleaded to all intents and purposes, without it be in some particular acts for the prudential affairs of the colony, and not repugnant to the laws of England." (2) "As to the methods taken to prevent illegal trade, we have a collector and controller of his majesty's customs settled by the honorable the commissioners in this colony, and a naval officer by the Governor, who take all due methods and care they can, by searching and inspecting the several cargoes imported and putting the several masters or commanders upon their oaths, etc. We have had no trade to any place but Curacao that would give us any suspicion of illegal trade; but that trade is at present wholly laid aside by our traders, so that I know of no other place that they have any trade to or from that can give us grounds to suspect any fraud. . . . All due methods will be taken, as there may be occasion, to prevent and suppress any illegal trade, . . . and what orders or directions we shall at any time receive from your lordships or the honorable commissioners, relating to trade, shall and will be punctually and duly observed and complied with in the best manner and method we are capable of." (3) "The colony is putting the several acts of Assembly in a method for the press, as soon as it can be accomplished, and will not fail in sending your lordships a copy of the whole, and will, according to your lordships' command, transmit yearly accounts of their administration, and additional acts of Assembly, as opportunity will present." In the same years Governor Cranston took the oath to enforce the trade and navigation act in the presence of Francis Brinley and Jahleel Brenton and members of the council. The printing

\*Chapter V discusses Governor Cranston's answers on economic matters.

of the laws was delayed, however. The committee appointed previously was continued in 1708. One Bradford, son of Bradford, the printer, of New York, in that year offered to set up a printing press in Newport and "to find paper and print all things that may relate to the colony and government for £50 per annum, if it be but for one year or two," and the Assembly expressed its willingness "to allow him, the said Bradford, £50 for one year, and so yearly, if the colony see good to improve him." Bradford probably did not settle in Newport. Evidence that the laws were not printed in 1708 appears in the Board of Trade's repeated requests for copies of the colony laws in 1708 and in 1710. In the latter year Governor Cranston excused his failure to forward the laws, thus: "The colony's time having been taken up (so much) upon the aforesaid expedition (to Nova Scotia) that they have not got their laws perfected for the press, so as to comply with your commands at this time, but are forwarding the same with all expedition." Secretary Popple's answer was emphatic: "The lord commissioners . . . shall expect a collection of the laws of Rhode Island, as promised. In sending which laws you will do well, if there be any among them that are of a particular nature, to explain . . . the reasons for passing the same, unless such reasons be expressed in the preamble of the act." In 1711 the Governor was authorized to "take with him such council or assistance as he thinks most suitable, and order or cause all the laws of this colony to be transcribed into a good and true form fit for the press, that they may be printed" if possible before the following May session. Four years later Major Thomas Frye and Lieutenant Andrew Harris were ordered to "transcribe, fit and prepare for the press, all the laws," following a resolution that "the body of laws in this colony, as well as those other laws in force which have been made since the said body of laws, lie in a disordered condition and only in the hands of a few persons, so that the generality of the inhabitants cannot purchase them without great charge." In 1716, a fresh committee was appointed "to transcribe the laws of this colony in a regular form fit for the press, and to take the Governor's advice in all points of difficulty." Two years later, Joseph Jencks, Major Frye, Nathaniel Nudigate and Richard Ward were authorized to "revise, correct, transcribe and fit for the press all the laws of this colony now in force, as well those in schedules as those on the abstracts." In the same year the Recorder was ordered to "fit the laws for the press with marginal notes thereon, and to be compared, when finished, by the Governor and Major Frye, and that Major Frye get them printed." *The laws were printed in 1719.* Major Frye was allowed £10 for services, and was ordered to pay £18 "in his hands (which was left after the purchase of the law books of Mr. Nicholas Boone) into the treasury." The books were distributed to members of the General Assembly, one each; one to each town for the town clerk's office, and twenty-nine remaining copies to the several towns "to and for the use of such towns as they shall see cause to order." The law for distribution accounted for seventy-eight copies of fourscore purchased from Mr. Nicholas Boone. The laws were "printed by John Allen, for Nicholas Boone, at the sign of the Bible in Cornhill," Boston.

**ECONOMIC CONFLICT**—The mercantile theory dominated the economic views of English statesmen in the eighteenth century, and dictated various measures to monopolize trade and navigation. While these measures were intended to promote ultimately the economic welfare of the empire, they conflicted in many instances with the immediate interests of the colonies, were resented therefore, and produced irritation, restlessness, and, occasionally, open resistance. The proclamation in 1708 that rice and molasses had been added to the list of colonial products that must be shipped first to England in the course of exportation beyond the empire, awakened little discontent in Rhode Island then; later the regulation of the trade in molasses would make the trade and navigation acts extremely unpopular in Rhode Island. Governor Cranston's reply to an inquiry concerning the colonial practice of clipping coins,

that Rhode Island's intimate trade relations with Massachusetts suggested the necessity of awaiting prior action by the larger colony, elicited a sharp rejoinder from England. To assure the collection of imperial customs the mother country settled collectors in important seaports. There being no established rates for entering and clearing vessels, the collectors exacted fees to satisfy and enrich themselves. To curb this practice, the Rhode Island General Assembly, in 1710, "taking into consideration that there is no table of fees settled for the collector's office within this colony, by which the collectors have opportunity to extort such fees as they think fit, to the discouragement of trade," established stated fees. Later in the same year the table of fees was repealed, and another adopted for the collector and naval officer. A penalty of twenty shillings for excessive charges was prescribed, the penalty to be enforced by arrest. In a letter to the English Board of Trade Governor Cranston asked approval of the fee table, or the suggestion of amendments to it. He also complained that the English collectors of customs had limited entry and clearance to only one port in each colony, and of the inconvenience to coastwise shipping between colonies arising therefrom. The latter he described as "a very great imposition" and "to the great discouragement of trade; we having small sloops and open boats constantly trading from one colony to the other; . . . and it often happens that the wind and weather are such that they cannot (without great danger, or to the risk of their voyage) reach that particular port that the said collectors do so impose upon them." The Governor asked "that the collectors of the particular governments may be directed to settle their deputies in offices at each trading port allowed of by the several governments, or that the entries and clearings from the naval offices may be approved of." Their lordships promised to take the matter of fees and the complaint under consideration. In 1711, the colony exempted open boats and lighters trading up and down the bay and rivers within the colony and so far as Connecticut from fees for entry and clearance. The colony's attempt to restrict the collectors to stated fees inevitably produced friction, and in one instance led to a display of resistance in Newport that recalled the incident of the "Charles," brigantine, and forecasted other turbulent days in the seaport town. As in earlier days the colony harbored men who were hostile to the republic; Caleb Heathcote complained to the Board of Trade under date of September 7, 1719, in part, thus:

I need not acquaint your lordships that, notwithstanding they have oft received commands for sending home their laws, it has hitherto, in this government, been wholly neglected, and they nevertheless presume to put them in execution, though many thereof are repugnant not only to the laws of Great Britain, but even to the explicit words of the Charter.

I shall instance some of them. One whereof is a law for issuing bills of credit. . . . Notwithstanding the interest arising from it was appropriated for repairing a fortification . . . . not a penny thereof . . . . has been applied or expended for that purpose. . . . Nor can the officers of his majesty's customs be safe in putting the acts of trade in force, because on seizing of any vessel for illegal trade (being out of command), they may easily be carried off to sea, or made willing to be put on shore, and which hath been several times, and very lately, practices in the charter governments.

Another law was made in this colony, entitled "an act for establishing of fees," by virtue whereof the officers of his majesty's customs have been most grievously insulted and abused; which occasioned my applying to the honorable the commissioners of his majesty's customs, and they took the Attorney General's opinion thereon, who declared that the execution of such laws were just reasons for forfeiting their Charter; and the commissioners directed me, and by their letters threatened the government with a scire facias, if they insisted on such laws, which I acquainted the Governor and Assembly by letter, with all, but without receiving any answer. . . .

And 'tis very wonderful to me, who am thoroughly acquainted with the temper of the people, that none of his majesty's officers of the customs have been mobbed and torn in pieces by the rabble, and of which some of them have very narrowly escaped; an instance whereof happened in this town, to the present collector, who having made seizure of several hogsheads of claret, illegally imported, and notwithstanding he had the Governor's warrant, and the high sheriff, besides his own officers to assist, and took the claret in the daytime, yet the town's people had the insolence to rise upon them, and insult both them

and the civil officers; and having, by violence, after a riotous and tumultuous manner, rescued and possessed themselves of the seizures, set the hogsheads ahead, and stove them open, and with pails drank out and carried away most of the wine, and then threw the remainder into the street.

This tumult was no sooner over but one Mr. John Wanton, who uses the sea, and is master of a sloop, a magistrate, of the people's choice (as may be reasonably supposed), for the keeping up the rage and humor of the mob, did immediately issue out his warrant for apprehending of Mr. Kay, the collector, under pretence of his taking other, and greater, fees for clearing of vessels than the laws of this colony allowed of (and which amounted to only two shillings sterling); but the matter being fully examined before the Governor, and it appearing that he had taken no greater fees than above mentioned, and which had always been customary, and that the prosecution was maliciously intended to expose the collector he was dismissed. But Mr. Wanton, not satisfied with what the Governor had done, and being willing to ingratiate himself amongst his neighbors, who had so lately advanced him, issued out a second warrant for the very same fact; and to magnify his zeal on that occasion, had him arrested and taken into custody in the custom house, while in his duty, and thence hurried him away amidst a crowd of spectators, refusing to admit him to bail.

John Wanton was one of the fighting brothers, already famous for exploits in colonial wars, each of whom had held distinguished civil as well as military and naval offices. Both subsequently served as Governors of Rhode Island. From May, 1732, to December, 1733, when the former died in office, William Wanton and John Wanton, brothers, were, respectively, Governor and Deputy Governor of Rhode Island. John Wanton was Governor from December, 1733, until he also died in office July 5, 1740. John Wanton's prosecution of the collector, and the daring arrest and imprisonment after the more cautious Governor Cranston had released Kay on the earlier complaint were revolutionary in their nature. But these and the episode of the riotous seizure of the claret wine were outbursts related to an exasperated condition of the public mind, irritated by the meddlesome insolence of the King's officers. The officiousness of the latter was breeding contempt for them as officers of the law, and for the law itself in Newport. A people whose normal attitude indicated loyalty was being driven by petty tyranny on toward resistance. The smouldering fire which later would burst into revolution was already at work in Rhode Island. Immediately following the arrest of Collector Kay the General Assembly, as an assurance that the episode would not be repeated, modified the act establishing fees in such manner as to limit the penalty for excessive fees to a fine of twenty shillings, and a civil action by the party overtaxed for damages not to exceed forty shillings.

William Wharton, the English solicitor previously employed by the colony as its agent in England, died in 1710-1711; in 1715, Richard Partridge replaced him, and thereafter continued in the service of the colony for many years. Partridge was instructed in 1715 to represent the colony and to use his utmost efforts to exempt Rhode Island from the provisions of a bill then pending the purpose of which was to place the charter governments in America in a new relation to England. Partridge was associated with Joseph Jencks when the latter went to England in 1720 to represent Rhode Island in proceedings to adjust the boundary dispute with Connecticut. With Joseph Jencks went his son Dr. John Jencks, who died while in England.

**Governor Cranston's Tact**—In view of Governor Cranston's tactful recognition of facts that were fundamental in the relations between Rhode Island and England, which led him graciously to take annually the prescribed oath to enforce the trade and navigation acts and to play his part honorably and with becoming dignity in assisting the King's officers, the additional requirement in 1723 that he give bond in the amount of £2000 aroused indignation, but was acquiesced in. In the same year a suggestion, originating in the consideration in England of Rhode Island's and Connecticut's rival claims with reference to the boundary line between them, that both colonies surrender their charters and become incorporated with

New Hampshire under a royal governor, evoked an emphatically negative answer from each, but was influential nevertheless in producing on the part of Connecticut a more conciliatory attitude that was helpful in hastening a final adjustment of the boundary dispute. When John Menzies, judge of admiralty, died in 1728, Rhode Island promptly appointed William Whiting to fill the vacancy pending a new appointment from England; similar action was taken in 1733, George Dunbar being appointed to the vacancy caused by the death of Nathaniel Byfield.

Nathaniel Kay found time, additional to that required for the performance of his duties as collector of the port, to write frequently to England reports on conditions in Rhode Island. In 1721, in a letter to Popple, Kay complained of the evil effects of colonial paper currency on trade; the bills of credit issued by the colony, he wrote, tended to increase the prices of commodities, to encourage speculation in land, and to exclude newcomers as settlers because of the high prices demanded for land. Again, in 1725, Kay sent to England copies of the Rhode Island laws authorizing paper currency. Thus the home government was well informed and reasonably familiar with the issues involved in the controversy precipitated by Governor Jencks's attempt to veto an act authorizing additional issues. The General Assembly, at the session opening on June 14, 1731, passed an act authorizing the issuing of public bills of credit to the amount of £60,000. The session stood adjourned on June 24. It appeared in the letters from Rhode Island that subsequently were sent to England that (1) King George, on May 19, 1720, had issued an order "against the passing any laws whereby bills of credit may be struck or issued by any of the governments in America without a clause inserted therein declaring such acts shall not be in force until approved and confirmed by the royal assent," a copy of the order having been sent to Governor Cranston in 1724; (2) that a formal protest against the issuing of additional paper money had been made while the Assembly was in session, and disregarded; and (3) that the proposition to issue bills of credit had been debated thoroughly, which accounts in part for the continuance of the session through eleven days. Those opposed to the act of the Assembly made preparations immediately for an appeal to England. Governor Jencks caused to be written across a certified copy of the session acts the words "His Honor the Governor dissents from the said vote," and ordered the colony seal affixed to copies of the journal and other papers requested by the appellants. Thereafter events followed rapidly.

**GOVERNOR JENCKS AND THE VETO**—Fighting John Wanton was Deputy Governor, and, as he had been in the days of Governor Cranston, was still a fearless defender of the Charter rights of Rhode Island. Governor Jencks alleged, with reference to the order issued to affix the colony seal: "But it was no sooner known to two of the members of our general council, gentlemen desirous of popularity, and to be accounted the prime agents in preserving of our Charter privileges, but they caused the news thereof to be spread throughout the colony, declaring that the Governor had endangered the loss of our Charter by ordering the colony seal be set to a complaint against the government, in order to be sent to your majesty; the which action of theirs, has occasioned me much trouble, and hath caused many of the inhabitants to be highly displeased with me." Upon the refusal of Governor Jencks to recall the General Assembly, Deputy Governor Wanton summoned an extraordinary session to meet on August 3 at Newport. The General Assembly declared the words of dissent added by the Governor "to be no part of said act of Assembly; and that said act be no ways encumbered thereby, but that the said dissent be deemed null and void" for four reasons: (1) That during the time of the session the General Assembly was not informed of the dissent, "but caused the act to be published, and the same has taken effect, and proceedings have been made thereon accordingly"; (2) that the dissent was entered after adjournment, "it not being in the power of the legislative authority to act except when duly convened, much less for any single member to encumber any act by dissenting or protesting after the resting of the court"; (3) that it was not clear which of several votes the dissent referred to; (4) that the

"post entry of said dissent deprived the General Assembly of the benefit of considering the consequences thereof." While the foregoing action of the Assembly might serve as an effective overriding of the veto, John Wanton was never otherwise than thorough; he was not content merely to adopt resolutions. Under his leadership the General Assembly took away from the appellants "all our attested copies . . . and ordered our memorial to be dismissed in this torn and tattered manner, which is humbly conceived to be exceedingly injurious to his majesty's *faithful and loyal subjects*." With issues thus clearly drawn, and simplified as well, by the uncompromising assertion of the authority of the General Assembly, the matter was ripened for an appeal to England. Nathaniel Kay and eighteen others sent a memorial to the English Board of Trade, reciting their grievances and praying "for a favorable hearing." Governor Jencks sent a long letter to the King, asking three specific questions: (1) "Whether an act passed by the General Assembly of this colony may be judged valid, the Governor having entered his dissent from it"; (2) "whether or no the Governor of this colony may with safety disallow or refuse setting the colony seal to papers taken out of the Secretary's office, and attested by him, in order to be sent to your majesty"; (3) "whether it be the Governor's duty to examine all such copies before he orders the colony seal to be set thereto; the Secretary which attests them being an officer under oath." Governor Jencks asked for an early decision, "I having given the government, at our last election, public notice that I should serve them no longer than this year." With the Governor's letter was sent also a petition to the King on behalf of Nathaniel Kay and his associates. The rulings of the English Attorney General and Solicitor General on the questions presented by Governor Jencks were decisive: (1) "In this Charter no negative vote is given to the Governor, nor any power reserved to the crown of approving or disapproving the laws to be made by the colony. We are, therefore, of opinion that, though by the Charter the presence of the Governor, or, in his absence, of the Deputy Governor, is necessary to the legal holding of a General Assembly; yet, when he is there, he is part of the Assembly, and included by the majority; and consequently, that acts passed by the majority of such Assembly are valid in law notwithstanding the Governor's entering his dissent at the time of the passing thereof." (2) As to the question "whether his majesty hath any power to repeal or make void the above-mentioned act of Assembly, we humbly conceive that, no provision being made for that purpose, the crown hath no discretionary powers of repealing laws made in this province; but the validity thereof depends upon them not being contrary, but as near as may be agreeable, to the laws of England, regard being had to the nature and constitution of the place and the people. Where this condition is observed, the law is binding; and where it is not, the law is void as not warranted by the Charter." (3) It was "the duty of the Governor to set the colony's seal to such copies of acts as were attested by the Secretary, in order to be sent to his majesty; and the examination and attestation of the Secretary are sufficient, without the personal examination of the Governor." *Briefly, the King's counsel had decided that neither the Governor nor the King possessed the authority to veto an act passed by the Rhode Island General Assembly.* For practical purposes the lawyers for the crown had decided that the Rhode Island General Assembly was immediately and ultimately judge of the extent of its own authority, there being no power beyond the General Assembly to determine the issue suggested by the Charter provision, "regard being had to the nature and constitution of the place and the people." Lest the decision seem altogether inexplicable, it should be noted that Horace Walpole was Prime Minister. Though Macaulay held Walpole up to ridicule in the passage, "It pleased him also to affect a foolish dislike of kings as kings, and a foolish love and admiration of rebels as rebels; and perhaps, while kings were not in danger and while rebels were not in being, he really believed that he held the doctrines which he professed," the fact remains that Horace Walpole was a Whig, and that the administration was Liberal. Perhaps it was "a foolish love and admiration for rebels as rebels" that condoned the daring

defiance of dashing John Wanton. His portrait in the Corridor of Governors at the State House almost sparkles with the spirit of adventure. A report was spread about the colony in 1736 "that the Honorable John Wanton, Esquire, our present Governor, has drawn out of the general treasury the sum of £70 and appropriated the same to his own use or to treat his friends to vote him or to pay tavern scores"; upon inquiry the Assembly found the report to be "groundless and false, and that the same go out in the acts of this Assembly." No dull, commonplace politician could earn the opprobrium of such a rumor. This was a man who could outwit a pirate, lock up a meddlesome customs officer, defy a Governor and destroy the death warrant of the colony attested by the colony seal. Horace Walpole loved and admired rebels—and John Wanton *was* a rebel. It is certain that, for the time being, a much better comity and amity prevailed in relations between Rhode Island and England. Absolute monarchy had passed in England with the Stuart Kings, though the Rhode Island General Assembly from time to time referred to one of these as "of blessed memory" by reason of the granting to Rhode Island of a constitution or Charter transcending all previous experience in liberality. The House of Hanover governed less than it was governed. The Whigs were far too jealous of the progress made in England toward popular government to deal unjustly with the most radical, if also the most diminutive, republic in the empire. The decision on Governor Jencks's appeal was entirely consistent with views prevailing in England while Horace Walpole was Prime Minister. The settlement of the boundary dispute with Connecticut, favorable to Rhode Island, might also be ascribed to the Whig administration. Both decisions were acclaimed in Rhode Island, and reawakened a love for the mother country that had been waning as the colony struggled desperately to maintain its Charter rights against persistent activity to destroy them. Into the colonial wars following Rhode Island entered with a vigor and enthusiasm theretofore not known.

**PAPER MONEY**—English interest in the paper money situation in the colonies and the reason for the interest were indicated in two letters addressed to Governor Wanton in 1739: (1) "You are immediately to prepare and, as soon as possible, transmit to us, in order to be laid before the House of Commons at their next meeting, an account of the tenor, and amount of the bills of credit which have been created and issued in your government, that are now outstanding, with their respective times when such bills, so outstanding, were issued, with the amount of said bills in money of Great Britain, both at the time such bills were issued, and at the time of preparing your account. You are likewise to send therewith your opinion what will be the most easy and effectual manner of sinking and discharging all such bills of credit, with the least prejudice to the inhabitants of your government, and interruption of the commerce of this kingdom." (2) "You will perceive how much they apprehend the commerce of Great Britain to have been affected by the large and frequent commissions of paper currency in his majesty's colonies in America, in which Rhode Island has had too large a share. And his majesty . . . having sent circular instructions to the several colonies more immediately under his government\* not to pass any more bills for the issuing of paper money, without a clause therein . . . to suspend the execution till his majesty's pleasure shall be signified thereupon, we think proper to acquaint you therewith, and at the same time to admonish and advise you to pay all due regard to his majesty's intentions, and to the sense of the House of Commons upon this occasion." Governor Wanton had died, and the task of answering fell to Governor Ward, whose reply was a comprehensive review of the causes for issuing bills of credit, a complete history of the several issues, a careful estimate of the colony's actual indebtedness reduced to sterling, and a masterful argument sustaining the "necessity" of paper currency in a new country having no precious metal resources.† "We have now above 120 sail

\*The royal provinces.

†See Chapter X for further discussion of this letter.

of vessels belonging to the inhabitants of this colony, all constantly employed in trade," wrote Governor Ward. With our fort and privateers "we are become the barrier and best security of the New England trade. . . . Navigation is one main pillar on which this government is supported at present; and we never should have enjoyed this advantage, had not the government emitted bills of credit to supply the merchants with a medium of exchange, always proportioned to the increase of their commerce; without this, we should have been in a miserable condition, unable to defend ourselves against an enemy, or to assist our neighbors in times of danger. In short, if this colony be in any respect happy and flourishing, it is paper money, and a right application of it that hath rendered us so." Governor Ward's estimate of the actual colony indebtedness, based on the issue of £340,000 of currency, was £88,074 16s. 10 $\frac{3}{4}$ d., "a very small sum to answer for a medium of exchange, considering the extent of our trade, the number of inhabitants, and their improvements." He suggested the sinking of the bills of credit in ten annual payments. The neglected factor in the letter was depreciation; Governor Ward seemed not to recognize the essential injustice involved in a currency that constantly depreciated, and thus permitted debtors to repay their creditors on terms that amounted practically to repudiation of part of the debts. War with Spain was already in progress when this exchange of letters took place; France soon after entered the war, and for the time being the matter was dropped. Rhode Island emitted more paper currency during the war.

With the war emergency ended, Parliament once more took up the problem of paper money. Governor Greene in a letter to Richard Partridge, 1749, advised the colony agent with reference to a bill pending in Parliament: "As to the bill in Parliament relating to the paper currency, the Assembly expects you will strenuously oppose it; since, should it pass into a law, it would annihilate all the legislative power granted to this colony in their Charter; and, as we judge that we have not acted anything to forfeit these privileges, we hope on an impartial consideration, we shall not be stripped of them." Governor Greene thereupon recited again the necessities of war that had induced the original issue of paper currency in 1710. In the same year, 1749, the Duke of Bedford wrote to Rhode Island, requesting "an account of the tenor and amount of all the bills of credit which have been created and issued . . . that shall be then outstanding . . . with the amounts of the said bills in money of Great Britain." The answer included the detail of issues, and continued: "The reason of the great depreciation observable in the bills issued by this colony is because the inhabitants of New England constantly consume a much greater quantity of British manufactures than their exports are able to pay for; which makes such a continual demand for gold, silver and bills of exchange, to make remittances with, that the merchants, to procure them, are always bidding one upon another, and thereby daily sink the value of paper bills, with which they purchase them. And it is plain that where the balance of trade is against any country, that such part of their medium of exchange as hath universal currency will leave them; and that such part of their medium as is confined to that country will sink in value, in proportion as the balance against them is to their trade; for what hath been the case with Rhode Island bills hath also been the common fate of all the paper bills issued by the other colonies of New England; they having all been emitted at near equal value, and have always passed at par with one another, and consequently have equally sunk in their values. And this will always be the case with infant countries that do not raise so much as they consume; either to have no money, or if they have, it must be worse than that of their richer neighbors to compel it to stay with them." The committee which drafted the answer, including Stephen Hopkins, reported £312,300 emitted since 1710 on the credit of the colony, of which £176,964 6s. 10 $\frac{1}{2}$ d. had been burned. The colony's debt in bills of credit was £135,335 13s. 1 $\frac{1}{2}$ d.

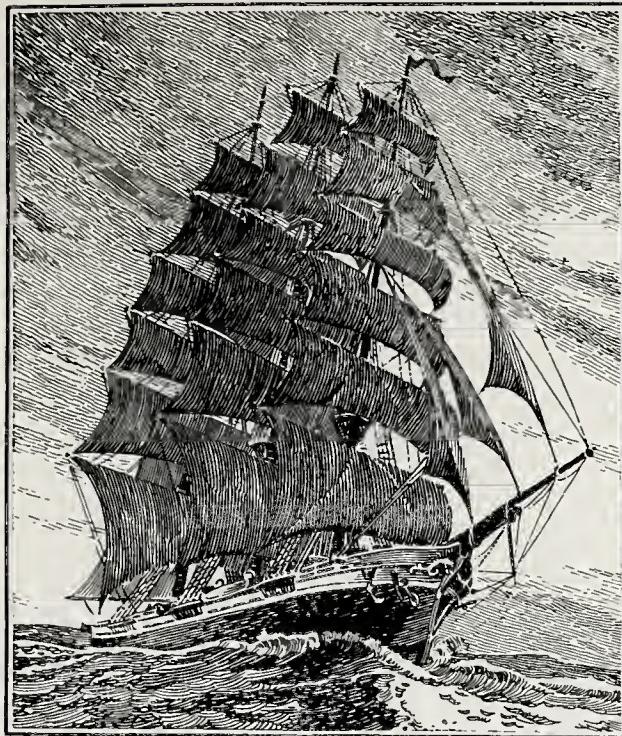
In August, 1750, the General Assembly ordered a new issue of £50,000 of bills of credit to be loaned in land mortgages, and in the following month seventy-two inhabitants sent a peti-

tion of protest to the King, in which they alleged "that the landholders of this colony, having generally mortgaged their farms or plantations as a security for the bills of credit they have taken upon loans, have found it to their interest to multiply such bills, that they may depreciate and lessen in value, and which they have recourse to, as a legal expedient of wiping away their debts without labor; whereby the laudable spirit of industry is greatly extinguished, and your majesty's trading subjects greatly reduced from want of produce and remittances." Governor Greene wrote to Partridge, directing the latter to oppose the petition, and, if possible, to obtain a copy of it and send the latter back to Rhode Island.

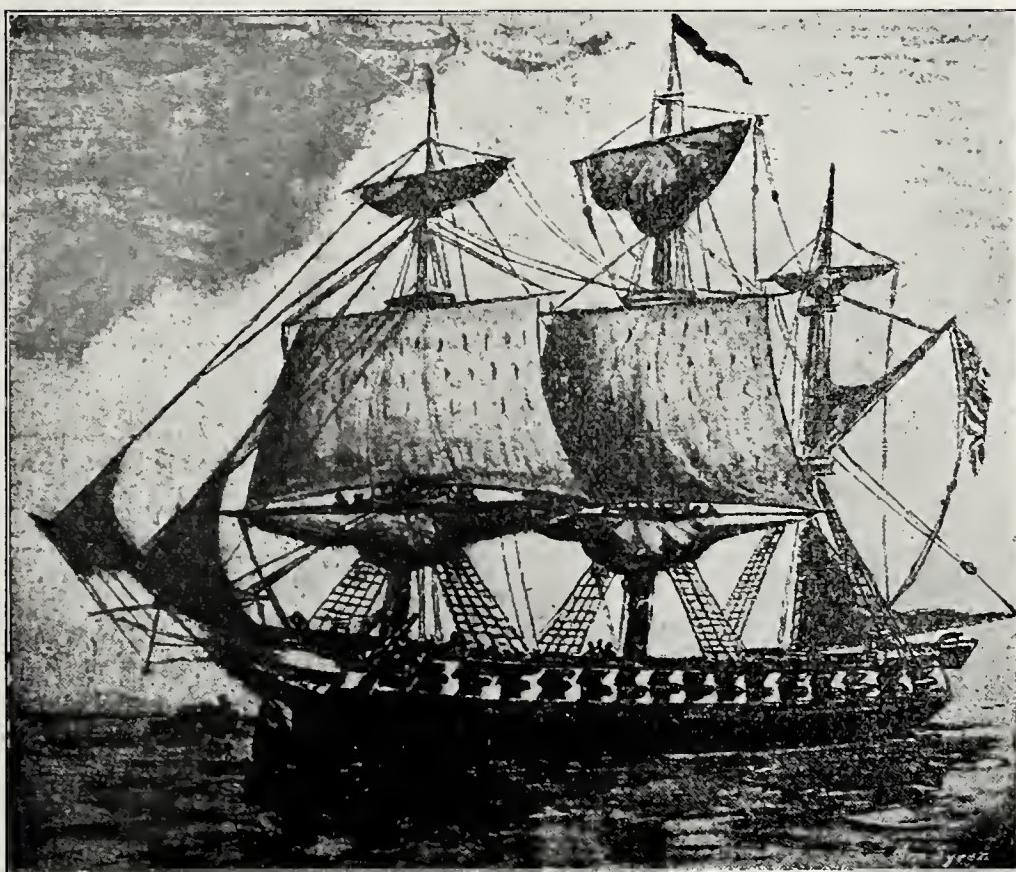
Upon receiving a copy of the petition of protest two committees of the General Assembly were appointed, in June, 1751, one "to inquire into the relation, station and circumstances which the petitioners stand in, to his majesty and this colony," the other "to examine into the facts contained in a petition preferred to his majesty by sundry of the inhabitants of the colony." The first committee reported "that all but twelve of the said petitioners are freemen of this colony, or of some towns or other in this colony; and that as to their relation, station or circumstances, we find that two of them are officers . . . . and that the circumstances of some of them are visibly very considerable, but the circumstances of others are to us unknown." The petitioners included Samuel Pemberton, who was one of two accused in 1750 of having "grossly abused this Assembly" by saying "that the General Assembly are a parcel of damned rascals and scoundrels, and as bad as thieves and robbers, and had taken £5000 out of his pocket," an accusation that indicated the intensity of partisanship for the time being with the issue drawn squarely between inflationists and advocates of redemption. Being brought before the Assembly, Samuel Pemberton had "acknowledged that he had so said, but that he intended only those that had voted for making the money." He was ordered to give bond in the amount of £5000 for appearance at the next session of the Assembly. The second committee reported: "That the first fact asserted, 'that the currency of this government is so far from being fixed that it hath sunk in its value above one-half within the seven years last past,' is not strictly true. That the second fact asserted, 'That this colony hath now outstanding the sums of £525,335 in bills of credit,' we find not to be true, there not being, at the date of the petition, bills amounting to that sum outstanding. That as to the other facts asserted in this petition we, on the most exact examination, cannot say but that they are strictly true." There was no evasion of truth in this report; the General Assembly accepted it. Meanwhile, in March, 1750-1751, an emission of £25,000 in bills of credit had been authorized. In the same month the English House of Commons resolved that "the great rise in the value of silver and in the exchange, occasioned by the repeated emissions of bills of credit, particularly in Rhode Island, had been the means of defrauding creditors in all the four\* governments of a great deal of their profits, and by introducing confusion into dealings had proved a great discouragement to the trade of these kingdoms." In June the General Assembly ordered printed 200 copies of the petition, with the petitioners' names, the resolutions of the House of Commons, and the bill prepared for action by Parliament, for distribution to members of the Assembly and to members of town committees letting out the bank money. This publicity might serve a variety of purposes, including fixing responsibility for the action that Parliament might take, besides advertising the issue of bills of credit as probably the last, which it was of the kind during colonial days. In August the Assembly undertook to stabilize exchange by statutory regulation of the value of bills of exchange of old and new series in silver. In September news came that Parliament had acted. The obstacle to action dealing directly and exclusively with Rhode Island suggested by the decision twenty years earlier on the questions submitted by Governor Jencks, was avoided by passing an act, purporting to prevent defrauding creditors in all the colonies, and expressly forbidding issues of paper money by the New England colonial

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\*New England.



RHODE ISLAND CLIPPER SHIP



A RHODE ISLAND PRIVATEER, REVOLUTIONARY WAR



governments after September 1, 1751. The inhibition thus became part of the laws of England, and binding upon Rhode Island "regard being had to the nature and constitution of the place and the people." Even the latter, apparently, was taken care of in provisions that, with the King's consent, permitted issuing bills of credit in emergencies and to meet current expenses provided reasonable provision for redemption was made. Whether or not the legislation was effectual was not determined by actual testing; the moral victory won by the redemption party was sufficient, although it had been obtained at the price of assumption by Parliament of a right to enact legislation affecting Rhode Island that was somewhat inconsistent with the colony's claim to virtually unrestricted discretion in legislation. As a measure for the regulation of the internal relations of the empire, particularly emphasizing economics, the law prohibiting bills of credit might stand with others formulating a development of the mercantile theory.

**TRADE RESTRICTIONS**—The mercantile theory in actual operation fostered international rivalry, jealousy and enmity so bitter oftentimes that commercial competition ripened into conflict in arms upon the battlefield or open seas; within nations it substituted disaffection for loyalty as it intensified economic distinctions, sectionalism for national unity as it resorted to discrimination, and revolution tending to disunion for evolution tending to harmony and happiness. The "molasses" act of 1733, intended to enrich the British West Indian planters at the expense of those of other nationalities by assuring the former a monopoly of trade through imposts levied on commodities imported from islands other than those governed by Great Britain, irked the northern colonies not quite so much because of the higher cost of molasses landed at New England distilleries, an inevitable consequence of reducing the supply of molasses and sugar, as because it tended effectually to limit the market for New England goods, which theretofore had been sold in all the West Indies. Indeed, the export trade to the West Indies had been the most prolific source of New England prosperity, such as it was. With New England markets practically closed to their sugar and molasses, the French and Spanish islanders could no longer afford to buy New England goods. The incongruity of "favorable" trade balances and sound commercial relations is scarcely recognized even by twentieth century statesmen. *A customer must sell in order that he may obtain the wherewith to buy.* Rhode Island protested vigorously but vainly against the "molasses" act. Richard Partridge, agent for Rhode Island in England, argued that Parliament actually had embarked upon a policy that involved taxing the colonists as Englishmen without representation, in violation of a principle recognized in England, though oftentimes violated, since Magna Carta. Thus he anticipated one of the rallying slogans in use before and in the earlier period of the Revolution, that "taxation without representation is tyranny." Parliament was stubborn, and the London representatives of the British West Indies were influential. When, in 1739, the "sugar" act, more drastic in its provisions and intended still further to limit trade to colonies within the nation, was proposed, the General Assembly instructed the Governor to "write to our agent strenuously to oppose at home the making any addition to the sugar act that so much affects the northern plantations; and . . . also write to the neighboring governments requesting them to join with us in opposing the same." Again the opposition was vain; the mercantile policy was ascendant, and the West Indies were in greater favor in London than was New England. The solution of the problem lay in taking the sugar islands away from France and Spain, uniting them with the English nation, and thus restoring them as markets. The later colonial wars, in America if not in England, aimed at conquest of the continent, and possibly also of the islands.

Meanwhile, as it was in its external operation breeding international war both in America and in Europe, the mercantile theory in its internal operation was engendering discord between

England and her colonies, and also between the colonies, as each of the latter sought advantage at the expense of the others. The instructions to Partridge, Rhode Island's agent in England, advised him frequently to oppose strenuously the activities of the agents of the sugar colonies. The trade and navigation acts were as much a matter of controversy as the tariff has been in the United States. The enforcement of the trade and navigation acts brought officers of the crown and officers of a colony frequently into open conflict. At Newport there was intermittent friction. To prevent the court of admiralty's assumption of jurisdiction belonging properly to courts established by the colony, the General Assembly, in 1734, authorized use of the writ of injunction against the judge of admiralty. In 1763 a writ was issued against John Andrews, judge of the admiralty court in Providence, to stop the issuing of a judgment. The naval officer, from the establishment of the office for the purpose of assisting the Governor in enforcing the trade and navigation acts, had been appointed by the Governor. When Leonard Lockman, in 1743, presented a commission as clerk of the naval office, issued under the privy seal and purporting to be a patent granted by the King, a committee of the General Assembly, appointed to consider the matter reported "that, with humble submission, it is conceived that his majesty was mistaken in said grant; for that, by several acts of Parliament said office is in the appointment of the Governor of said colony, who had (according to the privilege used of old) appointed a naval officer in said colony, and is by law answerable for the neglects and misdemeanors of said officer, agreeable to the statutes in this case provided," and the Assembly adopted the report. The consequences of the King's "mistake" were avoided by *disregarding it*. A committee of the General Assembly, in 1743-1744, investigated the condemnation by the court of vice-admiralty of the "La Gertruyda," bark, Captain Samuel Baal. The vessel had been taken near Rio de la Hache by three English privateers, brought into Newport as a prize, condemned by the court, and divided among the captors, as was alleged, contrary to the treaty between England and Holland. At the time of the investigation, Samuel Pemberton, late judge of admiralty, was in prison for debt. The Governor sent an authentic copy of the record of the trial to England, along with the report of the General Assembly's committee. The Governor's letter concluded with the humble hope "that, as this court, which has the sole cognizance of prizes, is wholly independent of any authority in this colony, that the Governor and Company will never be thought liable to censure on account of any judgment in that court, that may be thought owing to the mistakes or passions of an ignorant or indigent person, that without their consent or knowledge may be deputed to judge and determine singly in matters of such high and public concernment." The General Assembly revised the table of fees for the collectors and naval offices, and enacted a table of fees for the court of vice-admiralty. Of these last Leonard Lockman, whose commission as clerk of the naval office had been disregarded as a mistake, who was now judge of admiralty, complained to the Lords of Admiralty; the colony answered in a statement approved by the General Assembly in 1744. For special defence of the "privileges of this colony as established by charter," the General Assembly remitted £550 to the colony agent in England "to be expended in the just defence of the Charter privileges of the colony, so as need shall require." Special instructions to the agent were ordered forwarded "in three different vessels . . . as soon as may be," an indication of the General Assembly's interpretation of the situation as critical. Leonard Lockman persisted in hostility; in a letter addressed to the colony agent in 1749, Governor Greene referred to him thus: "As to his aspersions so liberally cast on us, were his character as well known in London as it is in Rhode Island, he would not have access to any public board to spread his false reports, which it is obvious are only the result of his disappointment."\*

FLAGS OF TRUCE—There being no provision by treaty for regular exchanges of prisoners of war, the General Assembly, in February, 1747-1748, authorized exchanges under flags of

\*In the matter of the naval office.

truce. If and when fifteen or more French or Spanish prisoners were in Rhode Island, the Governor could commission a vessel at the charge of the colony, if no private vessel were available, to convey the prisoners to a suitable port. Vessels operating under flag of truce must clear regularly, and were permitted to carry only sufficient provisions for the outward voyage, and for an equal number of persons on the return voyage, and were to bring back to Rhode Island as many English prisoners as possible. Within six months the new statute had operated to open a controversy, and Governor Greene received from Chambers Russell a protest as follows: "The lords commissioners of the admiralty, having been informed that there was an iniquitous trade subsisting between the colony of Rhode Island and the King's enemies, under color of flags of truce, have directed me to make the most strict inquiry into the truth of it, and if I find the same to be fact, to make proper remonstrances to the government of Rhode Island against illegal proceedings. I have, in compliance with their lordships' command, made inquiry into the same, and find that there were last year about twenty sail of vessels commissioned as flags of truce by the government of Rhode Island to carry prisoners to the French West Indies; which vessels have carried but few prisoners: but under color of said commissions have carried cargoes of fish and other provisions to the King's enemies, and in return have brought back the produce of the French sugar plantations. And, also, that several French flags of truce came to Rhode Island with cargoes of molasses, sugar and indigo; for which they have carried back in return provisions. And as said trade is strictly prohibited by his majesty's proclamation, and is a base prostitution of the King's commission, and has a tendency to distress his majesty's subjects and succor the enemy, I doubt not but that you'll take the utmost care to prevent it; and will see that those who presume to carry on such illicit trade, for the future, are duly punished." The war had ended with the peace of Aix-la-Chapelle, and with it the use of flags of truce for the time being. The issue suggested would be revived in another war, and eventually would constitute one of the causes for ill-feeling leading to the Revolution.

**FRESH CAUSES FOR FRICTION**—Earlier misunderstanding because of colonial laws, and the delays involved in the first printing of the laws were suggested when, in 1742, a committee was appointed to revise the laws for reprinting; a second committee was appointed later in the same year; a third committee was appointed in 1743, and increased by one member later in the same year. The laws were printed in 1744, and in 1745 were ordered bound in "marbled paper." Ann Franklin, widow, who printed the laws, stopped not with the edition of 500 copies for the colony, and was ordered, therefore, not to sell any of the extra copies in her hands within a year, the colony meantime offering the books for sale at thirty shillings. When the public laws enacted after the revision of 1744 were ordered printed in 1751, the printer was required to give bond that he would "not print or suffer to be printed on his press" more than 500 copies. In October, 1749, Daniel Updike, James Honeyman, Jr., Matthew Robinson, and John Alpin, all lawyers, represented to the General Assembly that the judges of the Superior Court had determined judicially that the statutes of England "are not in force in this government except such as are introduced by some law of the colony," thus reversing earlier rulings that English statutes were in force as part of the body of the common law. Of course, the court was exactly right in its ruling; the remedy, if one were wanted, lay with the General Assembly. Thereupon the four lawyers were appointed a committee to draft a bill for introducing such of the statutes of England as are agreeable to the *constitution*, the last a significant term as it expressed compactly the principle enunciated in the Charter that law should regard "the nature and constitution of the place and the people." It was English usage, however, rather than that developed later in America with reference to written fundamental law. The committee reported in 1750, and the General Assembly adopted by statute a long list of

English statutes covering subjects not already included in the body of Rhode Island statute law. In 1752 the Lords Justice of England, citing the necessity thereof for properly determining appeals, requested a "true and authentic copy . . . of all the laws, statutes and ordinances now in force . . . under the public seal." At the same time it was ordered by the King in council that thereafter communications from the colonies should be addressed to the commissioners for trade and plantations only, unless the matter communicated were "of such a nature and importance as may require our more immediate direction by one of our principal secretaries of state." In the latter event the communication was to be addressed to one of the secretaries.

The King's order in council, beyond the direction with reference to communications, which was clearly applicable to Rhode Island, had contained other matters that were disquieting, among them this: "And whereas nothing can more effectually tend to the peace, welfare and good government of the colonies and plantations than the appointment of able, discreet and prudent persons to be governors, lieutenant-governors and other officers and magistrates, it is hereby further ordered that the said lords commissioners for trade and plantations do, from time to time, as vacancies shall happen by deaths or removals, present unto his majesty in council, for his approbation, the names of such persons as the said commissioners, from the best of their judgment and information, shall think duly qualified to be governor or deputy governors," etc. Governor Greene immediately wrote to the colony agent: "Though this colony entertains a grateful sense of his majesty's just and equal government, and from thence are led to hope that nothing is intended by the said order to the prejudice of the Charter privileges of this colony . . . I am directed by the General Assembly to desire you to make diligent inquiry about the design and intention of the said order, and if need be, advise with counsel about it; and if you find it is intended to operate in this colony, so as to take away, or any way lessen our Charter privileges, immediately to advise the colony of it, and use all endeavors in your power to prevent anything being further done in consequence thereof." In practice the order in council was applied to the appointment of governors and other officers in royal provinces, following the principle that a general law does not repeal a special law unless the latter is expressly mentioned.

**HARASSING OF INDUSTRIES**—Unprecedented extension of the mercantile policy, affecting Rhode Island because of the development of an iron industry, appeared in one of three English statutes proclaimed from Whitehall in 1750, "an act to encourage the importation of pig and bar iron from his majesty's colonies in America; and to prevent the erection of any mill or other engine for slitting or rolling of iron; or any plating forge to work with a tilt hammer; or any furnace for making steel in any of the said colonies." Accompanying the proclamation and a copy of the statute was a particular communication for Rhode Island commanding "that you do immediately transmit to their lordships certificates under your hand and seal of office containing an account of every mill or engine for slitting and rolling of iron, and every plating forge to work with a tilt hammer, and every furnace for making steel, at the time of the commencement of this act, erected in your government; and also the name of the proprietor . . . and the place . . . and the number of engines, forges and furnaces in your government." The communication expressly ordered that engines, forges, and furnaces already in operation should be abated. This was a type of statute that easily might provoke revolution; it was the first of a series of English statutes forbidding, harassing or suppressing industries in the colonies, that tended to convince Americans that the mother country, far from protecting, was intent upon exploiting America. The iron industry had already been established in Rhode Island. The Jencks family in Pawtucket conducted a forge and shops, with a profitable trade in iron and steel implements. The Greenes of Potowomut were manufac-

turing anchors. Bissell at Newport had made nails. James Greene and others, in 1741, were granted a right to build a dam on the south branch of the Pawtuxet River as an adjunct of an iron mill. Cannon used in early colonial wars had been cast at the Hope furnace in Scituate. Stephen and Rufus Hopkins, the four Brown brothers, Nicholas, Joseph, John and Moses, and Jabez Bowen, Jr., who had purchased a bank of ore and erected a furnace at Scituate for making pig iron, were granted permission to erect a dam closed to fish, in 1769. The English act of 1750 meant a definite curtailment of this important industrial activity, and the limitation of development through use of the ore brought from Pennsylvania to supplement the available deposits of bog iron; under the English statute the pig-iron and cast-iron industry in Rhode Island never could become a steel industry. A committee of the General Assembly in 1758 reported, following an inquiry from England, "what quantity of iron and out of what materials had been made" from Christmas, 1749, to January 5, 1756: "That there has been made of pig metal imported from New York, Philadelphia, and the Jerseys, 589 tons, 901 quarters, and 16 pounds; and out of bog ore, 113 tons, 102 quarters and 22 pounds."

The King had good reason to distrust the loyalty of some of his subjects in England, partly because his family was alien and unpopular and partly also because of renewed activity by the Pretender, styling himself James III of England; fear that the disaffection had spread to America was indicated in the form of a statute adopted in Rhode Island in 1756, and dictated probably by the expediency of maintaining amicable relations with the crown. Alleging "secret acts and practices, daily endeavoring and attempting to alienate the minds and affections of others," the statute authorized the Governor and other officers "to tender the oaths of allegiance and abjuration unto and cause the same to be taken and subscribed, according to the form of the statute in that case made and provided, by any person or persons" suspected to be dangerous, on penalty, for refusal to take the oaths or for neglect of a summons, of being adjudged "as popish recusant convict or convicts," with forfeiture of "goods and chattels and lands and tenements to and for the use of the colony."

At the beginning of the French and Indian War drastic embargoes on provisions were ordered to prevent shipment to the French. Governor Phipps of Massachusetts wrote to Governor Hopkins that charges had been made that provisions had been shipped from Martha's Vineyard and nearby places in Rhode Island, and the General Assembly ordered an investigation. The committee exonerated Rhode Island. In 1756 all trade and commerce with France or the French colonies was forbidden on penalty of forfeiture of any vessel returning from a French port to Rhode Island. In the same year the King, alleging that the French were being supplied from the colonies through cargoes shipped to Dutch and other neutral ports, forbade clearance of vessels carrying provisions to any but English or English colonial ports, required the giving of bonds for and the production of certificates of the proper delivery of the cargoes, and cautioned particularly that care be taken to inflict the severest penalties upon masters and owners of vessels "detected in causing collusive captures to be made of their cargoes." The General Assembly thereupon enacted legislation confirming the King's wish. In the next year a statute alleging "that several have trafficked and carried on commerce with the subjects of France under the pretence of going to a Spanish port called Monti Christo upon the Island of Hispaniola, which is but a few leagues distant from the French settlements upon that island," forbade voyages to Hispaniola, with penalty of £10,000 fine and forfeiture of vessel and cargo on return. The act was repealed in 1758 because "all the British subjects in North America except those of this colony are allowed to carry on trade and commerce with the subjects of his Catholic majesty\* at a place . . . . called Monti Christo . . . . and no bad consequences can attend such a traffic." Nine members of the General Assembly protested "by reason we apprehend that Monti Christo is but a small port, and the produce thereof but

\*King of Spain.

very small, and so near Fort Dolphin, a port in the French King's dominions, where we apprehend all trade carried on to Monti Christo is only under a pretence to trade at said Fort Dolphin." The exchange of French prisoners under "flags of truce," a practice that had occasioned acrimonious criticism at the end of King George's War, was revived in 1757. A committee of the General Assembly in 1758 reported that the law regulating exchanges of prisoners had been complied with strictly. The statute was amended in such manner as to require vessels under flags of truce to "carry off all prisoners of war that are in the government at the time of issuing the commission," up to capacity, calculated at "one man to every ton the vessel measureth." This provision was intended to reduce the number of sailings under flags of truce, which could be multiplied by carrying each only one prisoner or a very small number of prisoners. Three merchants were given permission in 1759 to sail under separate flags of truce, two to collect outstanding accounts from French merchants in Hispaniola, and one to obtain the release of Indians and negroes held as prisoners. In May, 1760, another sailing under flag of truce was permitted, to return eleven Frenchmen brought into Newport by a privateer. Sir William Pitt, under date of August 23, 1769, wrote to Rhode Island, complaining of an "illegal and pernicious trade" with the French, and ordering a "strict and diligent inquiry into the state of this trade." The General Assembly, in October, ordered the Governor to issue a proclamation "prohibiting the inhabitants of this colony and all others resident within the same from trading or having any commerce with the subjects of the French King." In December, Governor Hopkins replied at length to Pitt's letter: "The colony of Rhode Island, though very small, hath always carried on a considerable trade by sea; and at the breaking out of the present war, many of the merchants changed the course of their common trade into that of privateering; so that there hath been already about fifty privateers fitted out from hence. This, in course, hath brought a large number of French prisoners into the colony, which must have been too great a burden on it, had they been continued in it during the whole time of the war; and as no other method is known in any of these plantations in America of disburdening themselves of French prisoners brought in by privateers, and of procuring the liberty of their own people, in much greater numbers in captivity among the French, but by commissioning of vessels as flags of truce, to go to the French islands to carry the prisoners, and on return bring our own home." The Governor then explained the Rhode Island statute permitting use of flags of truce, and the care taken to examine the vessels, "particularly that no kind of warlike stores are on board, or more provisions of every kind, than are barely sufficient to victual the vessel's crew and prisoners during the voyage. . . . Agreeable to this law commissions have been granted to about thirty vessels, mostly small sloops, who have gone among the French islands, chiefly Hispaniola, and only two to any other part of the continent. . . . And I think it may safely be affirmed that no provisions for sale or any warlike stores have gone from this colony among the French during this war, by any permission or connivance of any authority or officer in it. Such vessels as have been allowed to go on those voyages, in the manner before related, have indeed carried lumber, and dry goods of British manufacture, to sell to the French, and in return have brought back some sugars, but mostly molasses. Yet it must be confessed, that 'tis highly probable that some vessels from this colony, as well as from others, have taken in cargoes under pretence of being bound to Jamaica, and have regularly cleared out at the custom house, and all other offices, as though really intending for that island; but after their departure have deviated from the voyage pretended, and have put into some of the French ports in Hispaniola, where the French admitted them to trade. This method of illicit trade cannot be known until after the mischief is effected, as 'tis impossible to know beforehand who intend to pursue the voyage agreeably to law, and who design to deviate from it." The letter pointed out the difficulty of completing an illegal voyage by landing the homeward-bound cargo; and to the summary procedure of the British warships

cruising in the West Indies in seizing both vessels found to be engaged in illegal voyages, and others commissioned as flags of truce, as well as all vessels trading at Monti Christo. General Amherst, writing from New York, April 15, 1762, complained that the French were "being supplied with provisions from almost every port on the continent of North America." In May, Amherst wrote further: "It likewise appears from these papers that Rhode Island is one of the principal colonies on which they depend; and that several of the merchants of Newport are deeply concerned in this iniquitous trade, which is not only infamous in itself, by supporting the avowed enemies of the King, but occasions great difficulty in procuring the necessary supplies for carrying on his majesty's service." Amherst asked for an embargo, and Governor Ward on May 10 advised Amherst that the embargo had been proclaimed. In June, Amherst authorized lifting the embargo, adding: "I trust that no more attempts will be made to supply the enemy or carry on the illicit trade that has been so lately detected." The war over, the Lords of Trade, in 1763, complained that the revenue arising from customs "is very small and inconsiderable, having in no degree increased with the commerce of those countries, and is not yet sufficient to defray a fourth part of the expense necessary for collecting it; and that through neglect, connivance and fraud, not only the revenue is impaired but the commerce of the colonies is diverted from its natural course," and urged "suppression of the clandestine and prohibited trade with foreign nations, . . . vigorous discharge of the duty required of you by several acts of Parliament and a due exercise of your legal authority to give the officers of the revenue all possible protection and support." Admiral Colvill, in October, 1763, stationed the "Squirrel," ship, Captain Richard Smith, at Newport.

The General Assembly, in January, 1764, prepared a remonstrance to the Lords of Trade against continuance of the sugar act, which expired in the same year, unless renewed. The remonstrance was sent to Joseph Sherwood, agent of the colony since the death of Richard Partridge in March, 1759, to be presented if three other colonies would join Rhode Island in support of the protest. The remonstrance argued that the trade with the sugar islands was of the utmost importance to the colony, as it gave the latter the means whereby to pay its indebtedness, incurred in colonial wars, and whereby to continue purchases of English goods. It related the substitution of New England rum for French brandy in the slave trade on the coast of Africa, and the threat to colonial prosperity involved in closing the distilleries in New England.\* The protest was vain; Parliament planned to continue the sugar tax, and to levy other taxes in accord with the plan to shift to America from England so much as possible of the burden of repaying the immense debt incurred in the wars with France and Spain.

So far as concerned relations with England the republic in the Narragansett Bay country held high the torch of liberty and maintained during the colonial period consistently the great faith in democracy that had been cherished by the founders. Narragansett Bay was the cradle of American liberty. The democratical form of government, testing the most liberal and radical devices for ascertaining and accomplishing the will of the people, had been succeeded under the Charter by a republic in which all power rested in the hands of the people. The latter, from time to time, by revolution carried through quietly but effectually at the ballot box, reassured their liberties when these were imperiled by overzealous legislators or other officers. In the century from 1663 to 1763 the republic faced almost continually and maintained valiantly a struggle to retain the unusual liberties granted to and enjoyed by the people in an era in which popular rights elsewhere were almost unknown and little respected. The purpose of arbitrary monarch to recall the Charter, of royal governor to annul its provisions, of jealous officers in other colonies to suppress Rhode Island and absorb it into their own jurisdictions, of disloyal inhabitants to destroy that in Rhode Island which was an obstacle to attainment of

\*For an abstract of the economic information in the remonstrance, see Chapter X; for the further adventures of the "Squirrel," see Chapter XI.

their own sordid ambitions, and of Parliament to undermine the independence of the republic—all these had been resisted and combatted. The colony had merited the words in the Charter, "to hold forth a lively experiment." Firmness in the right when danger threatened, tact when diplomacy was demanded, astute suppression of treason within, defiance on occasion—each in turn had served the great purpose of saving Rhode Island. Born with an inheritance of liberty, Rhode Island's sons and daughters were nourished in the love of liberty.

The constitutional questions involved ultimately in the issues that produced the Revolution were clearly understood in Rhode Island during the colonial period. Nowhere was there finer distinction and discrimination in determining where colony jurisdiction terminated and imperial jurisdiction began. Nowhere was there more zealous definition of the limits of authority. Nowhere were the rights of the individual citizen more carefully safeguarded, with finer concession to the conscience and the opinion of the man. Rhode Island exalted the individual citizen in a manner unprecedented. For this reason it was that Rhode Island in the days succeeding the successful Revolution became the staunchest supporter of human liberty, and the dictator of constitutional safeguards for the life, liberty and property of the citizen.



## CHAPTER X.

### GROWTH OF A COLONIAL COMMONWEALTH.

HE King's commissioners in 1665 described the colony of Rhode Island as consisting of "two scattered towns upon Rhode Island, two upon the mainland and four small villages." That the settlers possessed little surplus wealth—not much, indeed, besides their land—was indicated by the difficulty attending the raising of money. Roger Williams was not repaid his expenses on his first trip to England until the need arose for sending him a second time. John Clarke waited years for, and died before a final adjustment of his claim for reimbursement for expenses as agent of the colony. In one year in which John Clarke served as treasurer he reported no receipts, no payments, and no balance. To meet the need of money occasionally for immediate purposes members of the General Assembly advanced cash from their own purses. Taxes were levied in money; payment was permitted usually in kind, that is, in corn, beef, pork, butter, wool, peas, or other products of husbandry. Of metal money there was little. In the earliest years Indian wampum had served the general purposes of money for trade purposes, as it might well, so long as the Indians had products to sell with which the wampum might be redeemed. As the Indians gradually ceased being producers and purveyors of merchantable commodities, wampum decreased in value, and in 1662 it ceased to be legal tender.

Governor Peleg Sanford's answers in 1680 to questions sent to Rhode Island by the English Board of Trade indicated growth in the colony, but little increase in quick assets, thus: "The greatest part" of the land within our patent is "uncultivated. . . . The principal town for trade in our colony is the town of Newport. The generality of our building is of timber and generally small. We have nine towns or divisions within our colony. We have several good harbors in the colony of very good depth and sounding, navigable for any shipping. The principal matters that are exported amongst us are horses and provisions, and the goods chiefly imported are a small quantity of Barbados goods for supply of our families. Of saltpeter we know of none in this colony. We have several men that deal in buying and selling, although they cannot properly be called merchants, and for planters we conceive there are about 500 and about 500 men besides. Of bondservants we have had few or none either of English, Scots, Irish or foreigners, only a few blacks imported. There may be of whites and blacks about 200 born in a year. For marriages we have about fifty in a year. Burials this seven years last past according to computation amount to 455. Merchants we have none, but the most of our colony live comfortably by improving the wilderness. We have no shipping belonging to our colony, but only a few sloops. The great obstruction concerning trade is want of merchants and men of considerable estates amongst us. A fishing trade might prove very beneficial provided there were men of considerable estate amongst us and willing to propagate it. For goods exported and imported, which is very little, there are no customs imposed." The nine towns referred to were the four original towns, Providence, Portsmouth, Newport, and Warwick, and Westerly (1669), New Shoreham (1672), Kingstown (1674), Greenwich (1677), and Jamestown (1678). The economic condition indicated the need of capital or surplus wealth, money or credits for investment. The planters were comfortable, but the future held little promise for marked improvement in the colony's economic life unless and until Rhode Island should supplement agriculture by profitable commerce.

The General Assembly of 1680 consisted of the Governor, Deputy Governor, ten Assistants, and twenty-eight Deputies, if and when the towns were represented by complete quotas, thus: Newport, six; Portsmouth, Providence and Warwick, four each; Westerly, New Shoreham, Kingstown, East Greenwich and Jamestown, two each. A quorum consisted of the Governor or Deputy Governor, six Assistants and a majority of the Deputies. The General Assembly met as one body until 1696, when the Deputies sat apart as a separate house choosing a Speaker and Clerk. Thereafter for general legislative purposes the Assembly was bicameral; the houses met in grand committee to elect general officers and occasionally for the consideration of momentous business. Other general officers in 1680 were Recorder, General Sergeant, General Treasurer, General Attorney, Solicitor and Major. From these came later the Secretary of State, replacing the Recorder; the General Treasurer; and the Attorney General, replacing the General Attorney and Solicitor. The Recorder was made a Public Notary in 1705. The Solicitor was not elected after 1684; his function, that of drafting complaints and indictments, was taken over by the General Attorney, who was the colony prosecutor and legal adviser of the General Assembly. The General Sergeant was the colony sheriff, and was called Sheriff from and after 1696. The General Assembly established a literacy qualification for this office in 1671, ordering that no person ought to be general sergeant or sheriff unless he can read and write. James Rogers, the incumbent in 1671, was reelected in 1672, and engaged notwithstanding any order previously made. Probably the order of 1671 was directed at him; when attempt was made to audit his accounts with the colony after his decease, the auditors reported "that they find the accounts so imperfect that they could neither allow nor disallow the same." Thereupon the General Assembly voted: "Forasmuch as there doth appear such difficulties and doubts in the said accounts, and to prevent further troubles thereabout, this Assembly, with the free consent of the petitioners," the widow and a new husband, "do agree and determine that there shall be and is hereby an equal, clear balance of all the aforesaid accounts between this colony and the said James Rogers; and that by this act there is a full and final issue of all differences relating to the said accounts from the beginning of the world until this present Assembly!" The sheriff was continued as a colony officer after 1703, when the colony was divided into two counties, the island towns as Rhode Island County, and the mainland as Providence Plantations County. When, in 1729, three counties were established the office of colony sheriff was abolished, and the sheriff became a county officer. The Major was commander of the militia; in 1682, provision was made for two Majors, one for the islands and one for the mainland. The Majors were replaced by two Colonels in the reorganization of the militia in 1719. The Governor, Deputy Governor, Assistants and Deputies served without salary, and were not paid except as they received fees as court officers, until 1695, when salaries were established thus: Governor, £10; Deputy Governor, £6; Assistants, £4, all annually; Deputies, three shillings per day of actual service. Practice with reference to paying Deputies varied; the colony sometimes paid, and sometimes required the towns to pay Deputies. In 1678 payment of board and lodging for members of the General Assembly attending the session was ordered. The Governor, Deputy Governor and Assistants were exempted from taxation in 1690. The Governor's salary was increased gradually until it reached £40 in 1705. Governor Cranston was paid, in addition, various sums from time to time because of important service to the colony. Meetings of the General Assembly were held in private houses or taverns until the first colony house, a wooden structure, was built in Newport, 1690. The town of Newport was permitted to build a tower for a bell and for prospect, and a lean-to addition on this building in 1691. It was sometimes referred to as the town house, and sometimes as the courthouse. It was ordered replaced by a brick structure in 1739-1740. Objection was made to use of the colony house for other than public purposes in 1695, and religious services therein, probably Episcopal, were ordered discontinued. Except

a special session held at Warwick, June 24, 1670, as a gesture in answer to Connecticut's threat to establish government in the Narragansett country, meetings of the General Assembly were held at Newport until October, 1681, when the meeting was at Providence. Meetings were held at Portsmouth, June, 1682, and at Warwick, October, 1682, and August 20, 1683, the last because of Cranfield's inquest at Wickford. Two days later the Assembly met by adjournment at Narragansett. The election meeting in May continued at Newport; beginning in 1684 the October session was ordered alternately at Warwick and Providence. The sessions of the Assembly were opened by reading the Charter, except in 1690, when smallpox prevented the attendance of the officer having custody of the document. In May, 1691, the annual election was conducted at Portsmouth, because of the smallpox in Newport.

The General Assembly exercised judicial, as well as legislative and administrative functions. While the actual trial of cases was conducted in trial courts, in which the Governor and Assistants presided as justices, the Assembly reserved the right to entertain appeals and review judgments, the exception being a single instance in 1678, in which the Assembly refused to hear an appeal from the judgment of a trial court in a civil case. Justices of the peace for towns were elected by the General Assembly from and after 1696. With the division of the colony into counties in 1703, two county courts of common pleas were ordered. A bankruptcy act was passed in 1678, but the General Assembly repealed it a month later, because of doubt of authority under English law. In 1705 the General Assembly asserted its authority to act as a court of chancery. Three years later the Assembly, sitting as a court of chancery, on an appeal in the case of Brenton *vs.* Remington, reversed the judgments of trial courts and juries, and entered a decree permitting Brenton as mortgagor to redeem an estate beyond the twenty years limit for redemption established by law. An appeal was taken to England, and the Assembly procedure was "utterly condemned." In 1712, accordingly, judging that the Assembly "had no power or authority to make any such law, by reason we cannot find any precedent that the legislators in Parliament of Great Britain, after they had passed an act or law, took upon themselves the executive power or authority of constituting themselves a court of chancery or any other court of judicature," the Assembly repealed the law, ordered no future appeals entertained, and resolved to set up and establish a regular court of chancery (sometime).

**FINANCIAL PROBLEMS**—One of the most difficult problems of internal administration was the raising of revenues adequate to sustain the colony government. Ordinary expenses were small, and there was no long civil list of salaries; most official service was paid for in fees by those for whom it was rendered. Almost from the beginning, however, the colony was involved in expenditures arising from the necessity, because of relations with the mother country and of quarrels with neighboring colonies, of sending agents to or maintaining an agent or agents in England. Later, as the colony participated in colonial wars, military expenditures constrained the General Assembly to levy heavy taxes. The earliest taxes were ordered in gross amount and were apportioned to the towns on the basis of an assumed value of ratable estates; the towns were required to raise the taxes by rate upon assessed valuation. Towns frequently neglected to function as tax gatherers, and most taxes were in arrears so far as the colony treasury was concerned. Upon the petition of Warwick in 1690, complaining that the town had been overrated for taxes, the Assembly, "having seriously considered the matter, do find that the manner of rating of towns by guess is no suitable or certain rule, but may prove very prejudicial; and therefore do determine that for the future all rates that shall be made in this colony shall be made according to so much on the pound as the estates of persons are valued at." In 1695 an approach to an income tax was made in the suggestion "for the rating all lands and meadows and merchants, tradesmen and housings in this colony; that every

town shall yearly choose two or three able and honest men, to take the view of each of their inhabitants of their lands and meadows; and so to judge of the yearly profit at their wisdom and discretion; and so also of merchants and tradesmen, and to make this part of the rate according to the yearly profit; or, as they, where they shall have had a more narrow inspection into the lands and meadows, shall see cause to set by the acre." In 1698, the colony returned to the method of fixing the amount to be raised, and apportioning it amongst the towns. In 1695, a schedule of rates for taxing oxen, steers, sheep, swine and horses was established; later the same year the schedule was extended to include negro servants (chattels) as well as cattle. A tax bill passed in 1698 required a census "of all male persons, . . . from the age of sixteen years to sixty years of age," and ordered a poll tax of one shilling on all so enumerated, "negroes and Indians and impotent persons excepted, without it be such as are freemen and have set up any trade or calling in this colony." In 1696 a tax was laid on the importation of wines and strong liquors.

The method of assessing colonial taxes tended to continue town boundary disputes that had arisen in the first instance either from varying interpretation of deeds of purchase from the Indians or from neglect to follow agreements as to boundaries by actually running the lines. So long as the colony apportioned taxes amongst the towns, each town had a financial interest in reducing its own rate by spreading the town's share in the colony tax over the widest possible area and over the largest possible number of inhabitants. Conflict arose because the rate makers included in the assessment all persons and all estates within the widest extent to which the town boundaries might be stretched pursuant to the most liberal interpretation. Hence persons and estates were taxed sometimes in more than one town. The General Assembly settled or provided for surveys of town boundary lines as follows: Between Newport and Portsmouth, 1684; Providence and Warwick, 1690, 1697, 1707; Westerly and Kingstown, 1685; East Greenwich and Warwick, 1679; Kingstown, Warwick and East Greenwich, 1699; East Greenwich and Kingstown, 1705, 1706. The only towns not involved in boundary disputes were Jamestown and New Shoreham, each of which occupied an entire island.

**TRANSPORTATION AND TRAVEL**—The geography of Rhode Island entailed problems of travel and transportation. Newport and Portsmouth were both upon the island of Rhode Island. Westward lay Jamestown, on the island of Conanicut, and further west the mainland, with Kingstown and Westerly. North on the mainland were Warwick, East Greenwich and Providence; and Bristol, the last held by Plymouth and Massachusetts. In the nineteenth century two bridges were built across the Seacownet River and in the twentieth century the Mount Hope Bridge established a dry connection between Portsmouth and Bristol. Connections westerly from Newport are still by ferry. To promote convenience of travel and transportation, and to assure regular and continuous service, franchises for ferry monopolies were granted so early as the end of the seventeenth century: Between Providence and Rehoboth (later East Providence), 1696, on condition that the King's post be carried free; between Portsmouth and Bristol, 1698; between Jamestown and the Narragansett shore, a horse ferry, 1700; between Newport and Jamestown, 1700. Free transportation for magistrates, deputies, jurymen and other persons engaged in his majesty's service was ordered on the ferries between Newport and Jamestown, and Jamestown and Kingstown in 1699. In 1702 the leasing of ferry rights was entrusted to Captain Joseph Sheffield and John Holmes, General Treasurer, as a source of colony revenue, and in the same year the free inhabitants of Jamestown were confirmed in their right to transport "themselves and neighbors with their goods or clothes in their own boats, provided they transport not any for money or any sort of pay, whereby the stated ferries may be damnedified." In 1699 Duncan Campbell, General Postmaster in New England, complained that the colony had no roads suitable for posts to pass, and the

General Assembly ordered the town council in each town to appoint "a jury of twelve able men knowing in such affairs to inspect into and lay out where there is not yet laid out sufficient highways."

**WEIGHTS AND MEASURES—REGULATION OF OCCUPATIONS**—The rising commercial interest in the colony toward the close of the seventeenth century suggested several measures to promote wholesome trade relations. In 1675 the General Treasurer was authorized "to keep a standard gallon of brass exactly according to Winchester corn measure . . . and weights according to the standard of England . . . and a true beam and scales . . . all to be procured at the charge of the general treasury." Every town was ordered to appoint a man to keep a duplicate of these standards, to be examined by the Treasurer and sealed with an anchor if true. In 1698, because of complaints of false measures and "much wrong done to the inhabitants of the colony and discouragement of strangers to deal" the Assembly created the office of colony sealer of measures and weights. A new set of standard measures was ordered in 1712. In the same year the contents of standard hogsheads, barrels and half-barrels were fixed on the basis of sixty-four gallons for a standard hogshead, and every town was ordered to appoint a gauger. In 1705 the confiscation and destruction of weights and measures not legally sealed was ordered. To prevent fraud in packing and salting beef, pork and mutton, inspection of provisions and marking of barrels was provided in 1705, and in 1707, the Assembly passed an act "regulating tanners, curriers and cordwainers, for the prevention of deceits and abuses by tanners, curriers and workers of leather," and another establishing an assize of bread. To protect colony merchants and the inhabitants, laws requiring peddlers to obtain licenses were enacted in 1698 and 1700. The European practice of promoting trade by fairs appeared in the law of 1706 establishing two fairs for three days each at Portsmouth. On request of Portsmouth, the act was repealed in 1707 because the inconvenience exceeded the profits. As affecting professions—James Holliman was "admitted in the colony to practice physic and surgery" in 1698. An act "for the preventing of the Recorder of this colony from being an attorney at law," 1702, prohibited the Recorder from appearing as an attorney in any case whatsoever, except it shall be his own case. The General Sergeant was similarly excluded in 1705. In the following year, it was enacted "that no attorney shall be admitted to plead in any of our courts, but what shall be sworn not to plead for favor nor affection of any person, but to the merit of the case, according to the law." In 1729, resolving that "the sitting of lawyers in the Assembly on hearing of appeals from the general court of trials is found to be of ill consequence," the Assembly ordered "that no practitioner of the law, whatsoever, shall be chosen a Deputy from any town in this colony during his practicing as such," but repealed the statute at the next session.

**RIGHTS OF RESIDENCE**—English colonies in America were closed communities, in the sense that none had the right to settle within them without permission from the proprietors. While admission to the communities in the earliest instances was related to the acquisition of land, later, as land was rented instead of purchased, communities scrutinized strangers. In 1682 the Deputies from Providence raised in the General Assembly a question as to "how far the power of a town council doth or may extend to the rejection of any person or persons that may come into any town or place in this colony," and the General Assembly declared that the town council had power "to reject any person, although a free denison, unless sufficient bond be tendered," and that the major part of the council might "warn any such person or persons to depart the town by such a time as they shall prefix." So late as 1738 a statute declared the right of a town council to reject persons seeking residence. Colony freemanship, carrying with it the right to vote and hold office, was extended by a vote of the General Assembly to persons already town freemen. The towns admitted residents as "freemen" or "inhab-

itants." Town freemanship might be conferred upon request, or without request; towns sometimes resorted to conferring freemanship without request in order to impose the obligations of citizenship upon some who preferred to avoid these while permitted to live in the community. Public office was sought by some and was avoided by others. The General Assembly from time to time established fines for freemen refusing to accept public office after election thereto. In particular refusal to serve as juryman was penalized, unless the freeman drawn for jury service could establish a valid excuse. The fining system extended from the lowest to the highest office in the gift of the people. If for no other reason than two—that Rhode Island did not restrict freemanship because of religion, and that no one in Rhode Island was required to contribute to support a religious establishment without his wish—Rhode Island attracted many from other colonies, and aroused so much jealousy that the accusation was made frequently during the colonial period that Rhode Island received fugitives from justice, including not only violators of law but persons fleeing from other obligations. In 1702 the Assembly passed a statute "for the preventing the inhabitants of the colony from harboring and concealing vagrant persons, runaways, and deserters of his majesty's service," the law forbidding also the landing of persons from vessels "that shall not be admitted by the authority to abide or inhabit within said colony." In 1729 immigration other than from Great Britain, Ireland, Jersey and Guernsey was regulated. Withal there were several classes of inhabitants in most Rhode Island communities, thus: Proprietors, the members of the original landholding companies, and their associates and heirs; freemen, admitted to full political rights; inhabitants, guaranteed protection of law and peaceable residence, but not qualified to vote or hold office; resident aliens, such as the Hebrews in Newport after 1684; bondservants and other white persons bound out to service, such as judgment debtors, sold into servitude for periods long enough to insure earning and repaying judgment and cost;\* negro servants or slaves; Indians, both free and held as slaves or servants. Negroes were too valuable as property to be allowed so much liberty by their masters as to occasion serious concern by the General Assembly. The Indians, even after the number had been reduced measurably during King Philip's War, constituted a problem—more particularly those who abandoned the tribal relation and who lived in varying conditions from planters settled on the land to roving vagrants. Rhode Island showed the same disposition to deal fairly with the Indians that had characterized the earliest relations of colonists and Indians. Captive Indians after King Philip's War were sold for only limited periods. In 1681 white men were explicitly forbidden to adopt other than a friendly attitude in relations with the Indians, the statute being enacted because of an unprovoked assault by a white man upon an Indian. Partly to prevent the degeneration of the Indian by drunkenness, and partly also to reduce the disorderly conduct of drunken Indians, sales of liquor to Indians were forbidden. In 1703 Indians and negroes were ordered off the streets of Newport after nine in the evening, the prohibition including free Indians and free negroes as well as those held as servants or as slaves. In the same year the bringing of Indians into the colony from without was restricted. Two years later Indians residing outside the tribal relation were trained for military service, and the quotas of men furnished by Rhode Island for service in colonial wars included Indians as well as white men.

**ECONOMIC CONDITIONS**—Three letters of inquiry from the English Board of Trade reached Governor Cranston in 1707 and 1708; the statistical information in the Governor's answers contained an excellent description of the colony. The total population on December 5, 1708, was 7181, the town population, in each instance, being: Newport 2203, Providence 1446, Kingstown 1200, Portsmouth 628, Westerly 570, Warwick 480, East Greenwich 240, New Shoreham 208, Jamestown 206. Governor Cranston did not answer a question as to the

\*In 1675 John Carr's body was ordered sold as an absolute servant till all manner of costs and charges shall be defrayed.



WAR COLLEGE AT U. S. NAVAL TRAINING STATION, NEWPORT



increase in population in five years for want of an enumeration earlier than 1708; he reported an increase in the militia in five years of twenty-one per cent., which might or might not suggest a substantial parallel for population.\* The population included 1015 freemen, 1362 men of military age (sixteen to sixty), 56 white servants, and 426 black servants. Of the negroes more than half lived in Newport, and 397 of 426 in the southern towns, except New Shoreham. Only 29 negroes were in Providence, Warwick, East Greenwich and New Shoreham. These figures were related to economic conditions and particularly fertility of the soil; the rich arable land on Rhode Island and Conanicut and in Kingstown lent itself to the development of the plantation system. Providence had 51 freemen more than Newport, though the population of Newport exceeded that of Providence by 757. Newport had 190 freemen and 357 men of military age; Providence 241 freemen and 283 men of military age. Newport restricted free-manship very rigidly as compared with Providence and all other towns.

As to trade and commerce, Governor Cranston reported eight ships, eleven brigantines and eighty-four sloops as built in the colony shipyards in ten years, and two brigantines and twenty-seven sloops as actually owned in the colony in 1708. Aside from allowance for losses, these figures indicated shipbuilding for owners outside of Rhode Island, which was a fact. Rhode Island vessels engaged in commerce visited Jamaica, Barbados, Nevis, Antigua, St. Christophers, Mt. Sarratt, Bermuda, Bahamas, Salt Tortudas, Turk's Island, North and South Carolina, Maryland, Virginia, New York, East and West Jersey, Pennsylvania, Connecticut, Massachusetts, Madeira, Fayal, Surinam and Curacoa. Exports included lumber of all sorts, *viz.*: staves, heading hoops, boards, planks, timber; beef, pork, butter, cheese, onions, horses, candles, cider, Indian corn, rum, sugar, molasses, New England iron, wheat, wax, and honey. Imports included sugar, molasses, cotton, ginger, indigo, pimento, rum, English woolens and linens, tweeds, Spanish iron, brasalleta, salt, rice, pitch, pork, peltry, walnut wood, bearskins, deerskins, wheat, biscuits, dressed leather, bacon, ship rigging, grain, flax, boards, tar, pitch, rosin, turpentine, wines, pieces of eight, cacao, "European commodities." Governor Cranston reported 140 sea-faring men, belonging to the colony. In twenty years preceding 1708, the number of vessels owned in the colony had increased from four or five to twenty-nine. This increase Governor Cranston "attributed to the inclination the youth in Rhode Island have to the sea. The land on said island being all taken up and improved in small farms, so that the farmers, as their families increase, are compelled to put or place their children to trade or callings; but their inclination being mostly to navigation, the greater part betake themselves to that employment, so that such as are industrious and thrifty, as they get a small stock beforehand, improve it in getting part of a vessel, as many of the tradesmen in the town of Newport also do, for the benefit of their children that are bred to navigation, in which town consists the chiefest of our navigation; not above two or three vessels belong to all the colony besides. One other cause of the increase of our trade is that it has pleased God to protect them from the hands of the enemy, so that they have not lost above two or three vessels taken this way, they being light and sharp for runners, so that very few of the enemy's privateers in a gale of wind, will run or outsail one of our laded vessels."

The Board of Trade's particular inquiry as to what commodities were exported from Rhode Island to England, and how Rhode Island was supplied with manufactures previously imported from England, a matter of serious interest to England, was answered thus: "The colony never had any immediate or direct trade to or from England, nor any supply directly from thence, but what commodities any of the inhabitants had to export for England hath been exported by way of Boston, where their returns are also made, and from whence we have and are chiefly and for the most part, supplied with the manufactory of England; and it is com-

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\*Andros reported 792 men enrolled in the Rhode Island militia in 1690.

puted that not less than £20,000 cash hath been annually, for some years past, remitted from this colony to Boston upon that account."

A letter from the English Board of Trade, inquiring concerning the negro slave trade, contained this significant statement of England's attitude: "It being absolutely necessary that a trade so beneficial to the kingdom should be carried on to the greatest advantage, there is no doubt but the consideration thereof will come early before the Parliament at their next meeting, and as the well supplying of the plantations and colonies with sufficient number of negroes at reasonable prices is, in our opinion, the chief point to be considered in regard to that trade," etc. Governor Cranston answered: "That from June 24, 1698, to December 25, 1707, we have not had any negroes imported into this colony from the coast of Africa, neither on account of the Royal African Company, or by any of the separate traders. That on May 30, 1696, arrived at this port from the coast of Africa the brigantine 'Seaflower,' Thomas Windsor, master, having on board her forty-seven negroes, fourteen of which he disposed of within this colony, . . . . the rest he transported by land to Boston, where his owners lived. That on August 10, October 19 and 28, 1700, sailed from this port three vessels directly for the coast of Africa; the two were sloops . . . . the last a ship . . . . the said three vessels arriving safe to Barbados from the coast of Africa, where they made the disposition of their negroes. That we have never had any vessel from the coast of Africa to this colony, nor any trade there, the brigantine above mentioned excepted. That the whole and only supply of negroes to this colony is from the island of Barbados; from whence is imported one year with another betwixt twenty and thirty; and if these arrive well and sound the general price is £30 to £40 per head. According to your lordship's desire we have advised with the chiefest of our planters, and find but small encouragement for that trade to this colony; since by the best computation we can make, there would not be disposed in this colony above twenty or thirty at the most annually; the reasons of which are chiefly to be attributed to the genuine dislike our planters have for them, by reason of their turbulent and unruly tempers. And that most of our planters that are able and willing to purchase of them are supplied by the offspring of those they have already, which increase daily; and that the inclination of our people in general is to employ white servants before negroes." The tax rate for 1695 placed the value of a negro woman at three times that of an ox, and of a negro man at seven times that of an ox.

ENGLAND'S INTEREST IN SLAVE TRADE—Rhode Island levied a tax of three pounds per capita on importations of negro slaves in 1708, but exempted direct importations from the coast of Africa in 1714. The exemption was necessary to avoid the accusation that the Rhode Island statute was repugnant to the laws of England at the time. While the impost was for revenue rather than regulatory or restrictive purposes, it was repealed in 1732 by direction of his majesty, because it tended to hamper the commerce in human bodies that had become highly profitable to the mother country. The particular interest in slavery and the slave trade manifested by the English Board of Trade in 1707 in its request for specific information addressed to Governor Cranston and other colonial governors followed abolition of a monopoly previously granted to the Royal African Company, and the opening of the slave trade to all British merchants, "for the well supplying of the plantations and colonies with sufficient number of negroes at reasonable prices." The Treaty of Utrecht, 1713, at the end of Queen Anne's War transferred to England, with other Spanish "assets" as spoils of war, Spain's interest in the assiento, a contract with the old French Guinea company for supplying African negro slaves for Spanish America. As assignee of England the South Sea Company, under the assiento, undertook to land 144,000 negro slaves, 4800 annually for thirty years, in the English colonies in America and the West Indies. The English government's insistence that her colonies should not interfere with the slave trade, even by a tax as in the instance of Rhode Island, and the refusal to sanction Virginia's wish to forbid the importation of

slaves at the same period, about 1730, justified the assertion made subsequently that the "institution of slavery" was fastened upon the United States by England. In Rhode Island, between 1708 and 1730, the number of negro slaves increased at twice the rate for general population, from 426 to 1650. The maximum number of slaves was attained in 1748, when there were 4300 slaves in Rhode Island. Some part of the increase over 1730 was attributable to the adjustment of the eastern boundary, which brought into Rhode Island five towns and 4700 inhabitants, of whom 4000 lived in areas adaptable to plantation farming. The census of 1755 indicated the beginning of a steady decrease in the number of slaves—to 4000 in 1755, and to 3761 in 1774. The manumission of slaves was forbidden in 1728-1729 unless the owner gave bond to assure that the freedmen would not become public burdens. Insistence upon safeguarding the colony and towns against the burden of supporting freedmen as public paupers was necessary to inhibit abandonment of slaves after the owner had taken the full profit of their labor and faced the obligation to maintain them during their declining years; not every master who wished to free his slaves was motivated by humanity. When the manumission statute was being revised in 1770 a bill to prohibit further importation of slaves into Rhode Island was discussed, but action was not taken. Relatively there were few slaves in the northern towns, where slavery could not be made so profitable as to establish a considerable vested interest such as continued in Newport particularly. Providence refused to accept intestate escheat of six negro slaves in 1774, resolving that "it is unbecoming the character of freemen to enslave the said negroes." The negroes were taken under protection as wards of the town, which further resolved, "as personal liberty is an essential part of the natural rights of mankind," to seek in the Assembly legislation forbidding the importation of slaves and freeing all negroes born in slavery after attaining a stated age.

**ABOLITION IN RHODE ISLAND**—In the same year the General Assembly abolished the slave trade into Rhode Island by forbidding the importation of negro or mulatto slaves. The statute included provision to prevent the bringing in of slaves to secure freedom by default, whereby the slaves, freed under the forfeiture prescribed by the statute, might become public charges. In 1775, a bill declaring "all negroes as well as other persons hereafter born within this colony" free, and providing for the manumission of slaves by their owners under regulations suitable to protect the colony, was presented, ordered printed, and referred, in the manner of the referendum in practice at that time, for discussion in town meetings. Then came the Revolutionary War and events so transcendental as to interrupt the current of ordinary procedure; otherwise it might be expected that Rhode Island would enact an emancipation statute in 1776. Within a fortnight of the burning of the "Gaspee," Lord Mansfield, on June 22, 1772, rendered his decision in the Somerset case that a slave became free by contact with English soil, or that slavery, as it conflicts with natural law, can exist only by positive enactment. The Rhode Island statute of 1774, abolishing the slave trade, and the bill of 1775, which, had they been enacted earlier than 1772, might embroil Rhode Island in fresh quarrels with England because they interfered with "business," were not repugnant to the law of England as stated in Lord Mansfield's decision. The Revolution was no exception to the general rule that war is a distraction. A regiment of negro slaves, to be freed after release from service, was recruited for the campaign culminating in the battle of Rhode Island, 1778, in which they performed gallant service under the intrepid Christopher Greene. The removal of slaves from Rhode Island for sale outside the state was forbidden in 1779, and five years later children born of slave mothers after March 1, 1784, were declared to be free, though they might be bound out to service during minority. The number of slaves in Rhode Island in 1790 was 952. There were few Indian slaves in Rhode Island at any time. Indians captured during King Philip's War were bound out to service for only limited periods. The importation of Indians as slaves, and the bringing of Indians into the colony

for any purpose, both were forbidden in 1714. There were 1000 Indians in Rhode Island in 1730, and 1500 in 1774, including those living on the Narragansett reservation. Indians who left the tribal relation and settled as inhabitants might be admitted as freemen; the names of freemen admitted by the colony include names that indicate Indian origin.

**GROWTH OF POPULATION AND CONSEQUENCES**—The population of Rhode Island more than doubled in the twenty-two years from 1708 to 1730, increasing from 7181 to 17,935. The white population increased from 6755 to 16,285. Newport was still the largest town, with 4640 inhabitants. Providence, which included practically all of modern Providence County, had 3916 inhabitants. Kingstown had grown so rapidly that in 1723 a division was made into two towns, North Kingstown and South Kingstown; the combined population in 1730 was 3628. Because "the number of inhabitants of the colony . . . are much increased and the bounds thereof are so extensive that that part thereof called the main land, especially the more remote inhabitants, are put to great trouble and difficulty in prosecuting their affairs in the common course of justice as the courts are now established," the colony was divided into three counties in 1729, thus: Newport County, including Newport, Portsmouth, Jamestown and New Shoreham; Providence County, including Providence, Warwick and East Greenwich; King's County, including Westerly, North Kingstown and South Kingstown. The shire towns were Newport, Providence and South Kingstown. The court system was completely reorganized, the new courts including inferior courts of common pleas for the several counties. The office of general sergeant, or colony sheriff was abolished; the sheriff became a county officer. The steady increase in population necessitated attention to ways and means of travel and transportation. The system of ferries linking the island towns with each other and with the mainland was extended and new ferries were established. A highway across the island of Conanicut connecting the east and west ferries as part of the main line of communication across the southern part of the colony from Newport to Westerly was laid out in 1709, and seven years later a road across Boston Neck, from Narragansett Bay to Pettaquamscott River, connecting the ferries, was accepted by the General Assembly as "a stated and public road." Across the colony from northeast to southwest stretched a road from Pawtucket Falls to Pawcatuck River. In 1713, a committee was appointed to survey and define this highway, described as "the public road leading through this colony from Pawtucket River to Pawcatuck River." The committee was authorized "if need be, to lay open any man's land or freehold for making the same more straight, fair and passable." Two years before, in 1711, the colony appropriated £200 as a contribution to the expense of building three bridges along this highway, one at Pawtucket, the Weybosset bridge at what is now Market Square in Providence, and one at Pawtuxet Falls. The bridge at Pawtucket eventually became a joint enterprise of the residents on either side of the river—then in Rhode Island and Massachusetts. In 1712, a bridge across the Pawcatuck, in the line of the highway, was built by contributions. The colony contributed £30 to the rebuilding of Weybosset bridge in 1718 after it had been destroyed "by an unusual and violent flood." A third colony highway "through Providence, Warwick and West Greenwich, leading from Providence to Plainfield," was laid out in 1711. The surveying of highways and the repair and maintenance of bridges, including frequent reconstruction, was an almost constant concern of the General Assembly. There was no construction of roads at the expense of the colony; the General Assembly merely located and surveyed, or accepted highways.

**PAPER MONEY**—Rhode Island's vigorous participation in Queen Anne's War involved large expenditures of money for the equipment, wages and maintenance of soldiers and sailors; for arms and ammunition, and other military supplies; and for ships and fortifications. The tax resources of the colony were inadequate to meet these extraordinary expenditures, and recourse was had to borrowing money on the credit of the colony. Even great

nations have become borrowers under similar circumstances; the beginning of national debts usually is traced to war emergencies. Rhode Island borrowed money by issuing bills of credit against, and to be redeemed from future taxes. The first Rhode Island paper currency was authorized in 1710, provision being made for issuing £5000 in bills of credit. The bills were payable from colony revenues and subject to call for payment and cancellation within five years. An annual tax of £1000 for five years was ordered as a sinking fund for the redemption of the bills. To assure acceptance by colony creditors in payment of colony debts, the notes were made legal tender for payments due the colony, including taxes and other assessments. The notes carried no stated interest, but the Treasurer was authorized to receive them in payment for taxes at five per cent. advance over face value, until 1715, when the bonus provision was repealed. The original plan provided for cancelling the bills at the rate of £1000 annually; had the plan been followed strictly or substantially, this venture was no more vicious in practice or principle than the modern recourse to short-term notes or long-term bonds as means of extending bank credit or obtaining money for public purposes. Two additional issues of bills to the amount of £1000 each were authorized later in 1710, and in 1711 £6000 more were borrowed in the same way. In 1713, the annual tax of £1000 for redeeming bills of credit was ordered continued for eight years, thus assuring ultimately a sinking fund of £13,000. The first default was committed in 1711, when the proceeds of the first annual redemption tax were expended for war purposes in connection with the expedition against the French in Canada. A motion to redeem and cancel bills of credit to the amount of £500 was referred at the June session, 1712, to the next General Assembly in October. Of that October session no record remains; that no action affecting the colony debt was taken appears from later procedure. The colony's financial policy had become a political issue, with rival parties organized, one favoring resumption of specie money by redemption and cancellation of bills of credit following the plan for sinking by annual tax, the other party opposing any serious reduction in the volume of the currency, and wishing larger issues. This conflict between creditors and debtors was as old as money, and will end only with the abolition of money. The redemption party was in control of the General Assembly of 1713-1714; in May, 1713, it ordered continuance of the annual redemption tax; in November, it appointed a committee to inquire into the immediate necessities of the colony and into the amount of bills of credit that might be retired; in February, it ordered the cancellation by burning of £2000 of bills of credit on the last day of April, 1714. The officers were not favorable to redemption; the order to burn currency was not complied with. Then came a Rhode Island revolution and a counter-revolution at the polls.

The revolution was in full strength at the spring election in 1714. The General Treasurer and Recorder were defeated and retired. Of the ten Assistants chosen in 1713 only four were re-elected in 1714; six only of twenty-eight Deputies weathered the storm. The new General Assembly was controlled by the hard money party. At the May session, 1714, the previous order to burn £2000 of bills of credit, which had not been complied with, was suspended. The revolution of 1714 was not caused exclusively by financial dissatisfaction; had it been, it is altogether unlikely that the Assembly would have been content to burn only £1102 8s. 6d. of bills of credit, as it did in June, 1714, after a fresh examination of the general treasury and an estimate of the financial needs of the colony. The difference in policy indicated by (1) summary retirement by annual cancellation of £1000, and (2) retirement at a rate to be determined by the condition of the colony treasury, was significant but scarcely sufficient to explain the overturning of the General Assembly. There was another matter for agitation at the time, precipitated by the action of the General Assembly in June, 1713, whereby citing the provisions of the Charter, the function of choosing officers for the militia was taken from the towns and lodged in the General Assembly. The new Assembly of 1714, in June repealed the act of 1713, and, though the Assembly record, apparently incom-

plete, does not include the enactment, restored the function to the freemen in the towns. Governor Cranston, one Assistant and three Deputies united in signing a protest against the latter action as a defiance of the Charter. In 1716, a revision of the militia laws was ordered, and two years later a new militia law was enacted. The counter-revolution was in operation in 1715; only one of the Assistants elected in 1714 was returned to office, whereas five of those who had failed of reëlection in 1714 were elected in 1715. Joseph Jencks, later a vigorous opponent of paper money, was elected as Deputy Governor. There was another overturn in the House of Deputies. It would appear from later events that many of the perennial officeholders who had gone down to defeat in 1714 had returned to power with a mandate of the people ringing in their ears, counselling discretion in pursuing the redemption policy too drastically. The paper money party was now in control, and Rhode Island had started on the high road to inflation of currency.

To protect the people and the colony from fraud by counterfeiting, legislation was enacted in 1710 establishing penalties for counterfeiting currency issued by Rhode Island and other New England colonies, and providing for extradition of offenders from other colonies, escaping into Rhode Island. The counterfeiting law was amplified in 1711 to include defacing bills, and also passing, exposing or having possession of counterfeits. In 1718, Captain Edward Greenman and Silas Greenman, his son, both of whom had been Deputies from South Kingstown, were convicted of printing counterfeit bills from forged plates, were fined and gave bond to cover the redemption of the counterfeits, which were called in by the Treasurer. The Greenmans were reduced to poverty; from time to time the General Assembly released part of the bond to assist the elder Greenman in meeting present necessities. One of the penalties for counterfeiting was cropping the ears; this penalty was enforced in some instances.

PAPER MONEY LOANS FROM THE TREASURY—Another type of bill of credit was first issued in Rhode Island in 1711, when £300 of colony bills were issued to Captain James Greene as a loan for four years; these notes were secured by a mortgage on land owned by Greene. The loan was repaid, and the bills were cancelled. The precedent thus established was followed when the General Assembly of 1715 passed an act which began with a preamble reciting the colony's part in Queen Anne's War, and continued: "The defraying the charge thereof proved so great a burden that it hath reduced our cash and other mediums of exchange unto a very low ebb, so that there is a sensible decay of trade, the farmers thereby discouraged; tradesmen, husbandmen and many others reduced to want; and all sorts of business languishing, few having wherewithal to pay their arrears; and many not wherewithal to sustain their daily wants by reason that the gold and silver in the first place to defray the incidental and occasional charges have been exhausted; and that those few bills of public credit put forth by this government falling far short of discharging the colony's arrears, has left us little or no medium of exchange." The preamble recited particular needs imposing obligations upon the colony; the act authorized the issuing of £30,000 in bills of credit of the colony, the money to be loaned to owners of land on mortgage security at five per cent. annual interest. Loans were limited to £500 maximum and £50 minimum; the land offered as security must be appraised at double the value of the loan. The interest was to be applied as part of the public revenue to redeeming outstanding colony bills of credit and to paying colony accounts. The interest was secured by personal bond, not by mortgage. Later in the same year a second issue of £10,000 was authorized. Assuming that the annual interest, £2000, could be collected, Rhode Island had attained the enviable position of being able to support its government "on the interest of what it owed," in the sense that the bills of credit had been issued as an obligation of the colony, although secured by land mortgages. Issues of this type of bills of credit were £40,000 in 1715, £40,000 in 1721, £40,000 in

1728, £60,000 in 1731, £100,000 in 1733, £100,000 in 1738, £20,000 new tenor\* in 1740, £40,000 new tenor in 1748, and £25,000 new tenor in 1751. Governor Jenckes in 1731 attempted to veto the act authorizing the emission of £60,000 in public bills of credit. The King, to whom an appeal was taken, held that the Governor had no veto power, and that the credit laws were not subject to repeal by the King.<sup>†</sup> Parliament in 1751 forbade farther issues of this type of bills of credit. During the period of inflation the colony grew rapidly in population and was apparently very prosperous in its economic life. Rhode Island had obtained the capital in the form of ready money needed to finance an intensive development of trade and commerce. The improvement had been attained for the time being, the ultimate consequences to the contrary notwithstanding. In 1721 an English halfpenny was declared equal in value to three halfpence in currency in payments to the treasury. Five years later judgment in a private suit was rendered for £100 silver or £181 10s. in currency. These facts indicated depreciation in paper currency.

**TRADE REGULATIONS**—For promoting trade and navigation towns were authorized in 1707 to settle coves, creeks, rivers, waters and banks bordering upon their respective townships, by building houses and warehouses, wharves, laying out lots, or other improvements. Sales at auction in Newport by a town vendue master were authorized in 1708, and in other towns in 1719. The exportation of grain in large quantities in 1713 to relieve famine abroad caused by failure of crops necessitated an embargo on shipments from Rhode Island of grain of any sort, flour and biscuit. Ten years later, 1724, the Governor was authorized, in another period of scarcity, to purchase 2000 bushels of Indian corn at the lowest price possible, and sell it at cost to the inhabitants. Pack peddling of dry goods (1714) and of other goods (1728) was forbidden, as a measure to protect purchasers from fraud and merchants from unfair competition. The progressive attitude of the colony was indicated by positive measures to promote industry. Three fishermen were granted permission in 1716 to use Starve Goat Island, near Field's Point, as a place for drying and curing fish. Samuel Bissell was granted a loan of £200 in 1721 as encouragement to carry on the trade of making nails. In the next year William Borden was given a bounty of twenty shillings for each bolt of duck made from hemp "which shall be equal in goodness to good merchantable Holland's duck." The bounty was to continue for five years, but later in the year was extended to ten years. The duck was to be sealed by colony officers as a warranty of its "goodness." To assist Borden, who found the manufacturing process expensive, loans from the general treasury were ordered as follows: One hundred pounds for one year at five per cent. (1724); £500 for three years on good land security with interest (1725); £3000 of bills of credit, a special issue, on good security (1728), without interest for ten years, on condition that Borden make 150 bolts of merchantable duck annually for ten years. The requirement of manufacturing 150 bolts annually was released (1731). The last loan was extended for three years on request in 1736. Bounties were offered to encourage the sowing, raising and manufacturing of hemp (1728) and the raising of flax (1731). To encourage whale and cod fisheries bounties were offered in 1731 on whale oil, whale bone, and codfish, caught by Rhode Island vessels and brought into Rhode Island ports. The sloop "Pelican," first of the whalers, landed fourteen barrels of oil and two hundred weight of bone at Newport, 1733. The bounties laws were repealed in 1744. The placing of weirs, dams and nets in rivers was regulated in 1719 with the purpose of preserving river fisheries. In 1726 millers were limited to a charge of not exceeding two quarts of grain per bushel. When, in the same year, Stephen Northup brought suit against Elisha Cole for damage to Northup's land which was flooded by backflow from a dam built by Cole as an accessory to a gristmill, the dam was demolished and the gristmill rendered useless. Thereupon many who had been accommodated by the

\*Payable in silver at 90s. per ounce, or gold at £6 13s. 4d. per ounce.

†Chapter IX.

mill were "put to very great difficulties to get their bread corn ground," and were obliged "to eat pounded corn instead of ground." The Assembly, holding "that the public benefit of whole towns is to be preferred to the benefit of two private persons," gave Northup and Cole three months to adjust their differences and reach an agreement "so that the mill dani be erected and built up again, so that the mill will be caused to grind," failing which the town council of North Kingstown was authorized and empowered to cause a jury of twelve men to "value the yearly income of the land and mill and the right that belongs to the said Elisha Cole in the said mill, dam, land, river, etc., and the yearly damage the said Stephen Northup shall sustain by having his land drowned by erecting the aforesaid dam." The council was further authorized "in behalf of the said town," to "take the said mill, land, dam, etc., into their custody, and erect and amend the dam, and cause the mill to grind; the said town paying to the said Elisha Cole and Stephen Northup the yearly value of the mill, land, dam and river . . . by the valuation of the jury . . . until such time as the said Elisha Cole and Stephen Northup shall agree between themselves to keep the mill going." The colony thus had approached very nearly to (1) the condemnation of private property for public use, to (2) the regulation of a public utility, or (3) public operation of a utility failing under private ownership. The reason given, "that the public benefit of whole towns is to be preferred to the benefit of two private persons," conformed to modern conceptions of the rights of society and indicated how clearly Rhode Island, while staunchly insisting upon liberty of conscience and the freedom of the individual, was not in the hopelessly non-social condition by some writers associated with Separatism.

**ADMINISTRATIVE MACHINERY**—The General Assembly, in the first quarter of the eighteenth century, was advancing the experiment in representative government by adjusting itself to novel situations as these developed. It continued to combine lawmaking, administrative and judicial functions, and held meetings frequently to dispose of accumulating business in the three fields. Three measures, increasing costs, were adopted in 1708, 1710 and 1713, for the purpose of discouraging appeals from trial courts to the General Assembly. The hearing of appeals was burdensome and prolonged the sessions of the Assembly; besides, the distraction of hearing appeals interfered with the parliamentary functions of the body, and tended to introduce discord. The people of Rhode Island of the eighteenth century had inherited the marked penchant for litigation that had been characteristic of the seventeenth century. A statute of limitations, with the purpose of quieting titles to land was enacted in 1712, practically assuring undisturbed possession after twenty years of occupancy under claim of title. An act "to discourage vexatious and unjust suits" was passed in 1725, and in the next year the English statute of limitations against personal actions, the famous statute of James, was reënacted in Rhode Island. To shorten trials, which theretofore had been prolonged in some instances interminably by the arguments of three or more lawyers for each party, in 1718 the parties were limited to two lawyers apiece, one of whom must be a freeholder, a freeman and an inhabitant of Rhode Island. Not satisfied with trials in lower courts and appeals to the General Assembly, litigants frequently carried lawsuits into the courts of England. Eventually the General Assembly refused to certify to England for further trial causes involving less than £ 300; in 1719 a statute regulated appeals to England. The English Privy Council in 1726 ordered that execution on judgments given in America should not be issued pending appeals to English Courts, because it happened too frequently that the appellant successful in England was in the position of one who had locked the door after the horse had been stolen. While appeals to the Assembly from trial courts occasionally necessitated the hearing of evidence to determine the merits of the case, on some appeals the General Assembly's function was that of a court of chancery, and necessary for justice while trial courts were limited to legal remedies; thus, in actions for the enforcement of penalties secured by bond, trial courts gave decisions for the full amounts of the bonds. On

appeals, the General Assembly, applying rules of equity, chancierized the judgments and reduced the amounts thereof to reimbursement for actual damage. Appeals of this type were entertained on petition for relief after the Assembly had renounced equity jurisdiction, and while no other provision for a court of chancery had been made.

The October session of the General Assembly in 1711 was "by the extremity of the weather neglected"; of a meeting in October, 1712, at Providence there is no record in the archives. A session adjourned to February, 1715, failed for want of a quorum of the Assistants. A session adjourned to September, 1717, failed for want of a quorum of Deputies. Yet, considering the meagre compensation awarded for public service, it is rather remarkable than otherwise that the sessions of the General Assembly were so well attended as was indicated by the lists of members present. Both Governor and Deputy Governor continued to receive nominal salaries, though scarcely a year passed during Governor Cranston's long administration in which the Assembly did not award him additional compensation for unusual service. Other officers also were paid for service other than attendance at sessions, which was covered by the established scale. In 1722, the Deputy Governor's salary was advanced to £30 annually; in the preceding year the salaries of Assistants were fixed at £10 annually and Deputies were to receive six shillings per diem from their towns. The Treasurer's salary was £100, 1729, and £1000, 1759. He gave bond of £10,000 in 1729. Exemption from arrest and other civil process, which from 1666 had been for the term of their service, was limited in 1724 to the period of actual attendance during sessions and three days before and three days after, because "by long experience" it had been "found to be prejudicial to many of the inhabitants of this colony, who have been thereby oftentimes kept out of their just dues, to their great hurt and damage."

The separation of the General Assembly into two houses in 1696 did not establish for each chamber the complete independence and control of its membership that prevails in most modern bicameral organizations. In 1703 the Assembly met *in grand committee* to discuss the right of Christopher Allen of Westerly, to a seat as Deputy, and decided in his favor. When, in 1711, four freemen from Westerly presented credentials as Deputies signed by the town clerk, the Assembly *in grand committee* voted not to seat any because Westerly, under the Charter, was entitled to only two Deputies. Again, in 1719, the Assembly voted that two returned as Deputies from Providence were not "qualified to sit as members of this General Court of Assembly." Until 1713 the Deputies had chosen a Speaker and Clerk; in that year it was enacted that the clerk should "be chosen by the major vote of the house of representatives, with the approbation of the Governor and the house of magistrates." Later in the same year, the clerk act was repealed, and the Deputies in 1714 resumed their right to choose their own officers. The act of 1713 is of particular interest because of the use of the term "house of representatives," years in anticipation of the time in which this title was assumed by the more numerous branch of the General Assembly.

**ELECTION MACHINERY; PROPERTY QUALIFICATION**—"Taking into their consideration the great abuse and clandestine proceedings and irregular practice, as they are credibly informed, hath been acted by sundry loose and fractious freemen of the said colony, in putting or delivering into the hat sometimes two, three or more votes for one officer at the general elections and other town elections," the General Assembly ordered in 1714 that all ballots be signed with "his name at length on the back side of his vote" by the freeman. In the following year the law was repealed because it "hath given great dissatisfaction and uneasiness to many of the good people of this colony, who deem it a very great hardship to have their names exposed upon such occasions, to the creating of animosity and heart-burning of their particular friends." The secrecy of the ballot was thus preserved, but the Assembly directed that election officers shall "make preparations for the election, shall order and appoint

the way and manner of voting for general officers in the best and most regular method they shall judge most proper to prevent frauds." Proxy votes must still be signed, delivered to the town clerk in public town meeting, and sealed up in a packet to be forwarded to the General Assembly. Penalties were prescribed for casting more than one vote in elections, and for voting or trying to vote by persons not freemen. The remarkable increase in population during the first quarter of the eighteenth century, including as it did large numbers of persons drawn from other colonies, many of whom were transients, attracted by the apparent prosperity of the paper money period, suggested other measures than those dealing with fraud to protect the colony from control at the "hat," which was the ballot box of the time, by those who were not attached to the soil on the basis of reasonable permanency. As early as 1665 freemanship had been granted to persons of competent estates; in February, 1723-1724, the qualification for town freemen, who became colony freemen by formal presentation and election, was established as freehold ownership of land valued at £100, or an annual income derived from land amounting to forty shillings. The eldest son of a freeholder qualified on the same land that qualified the father. The qualification was not retroactive in the sense of disfranchising anybody; those who were freemen before continued as freemen. In colony elections colony freemen voted for general officers and Assistants; an attempt to restrict voting for Deputies in town meetings to colony freemen, excluding town freemen who had not been made free of the colony, was abandoned as impracticable. The distinction suggests the provision in the Constitution of the United States, which gives to the states such control of suffrage qualifications that persons who are citizens of a state and who are qualified to vote in the state for members of the most numerous branch of the state legislature, may vote in congressional elections, though not citizens of the United States. Withal the control of communities was no longer so completely with the towns as it had been in 1682, when the General Assembly declared that a person wishing to settle in a Rhode Island town might be rejected and warned by the town council to depart unless a sufficient bond was offered. The declaration was confirmed by statute in 1709, but modified nine years later by a statute which declared "that whosoever hath, or shall have, £50 real estate within any town of this government, such person shall not be refused as an inhabitant therein, at any time when he shall remove thither to dwell." Inhabitants wishing to depart from the colony were required by an act passed in 1712 to give public notice thereof ten days before going, lest creditors be defrauded. At the expiration of ten days, if no objection were made, the town magistrate might issue a certificate. In the event of departure by water the certificate must be filed with the Governor or Deputy Governor at Newport, who was authorized to issue a permit to embark. At the naval office in Newport registers of the names of persons sailing, the vessels transporting them and their destination were kept.

**PUBLIC PROPERTY**—The colony house built in Newport in 1690 was repaired and renovated in 1709. Three years later the house was further improved to make it "commodious and convenient . . . both in summer and winter," and a room sixteen feet square and eight to nine feet stud was built on the side for "His Honor and Council to sit in." The purpose was to provide an additional chamber to accommodate the Assembly in its bicameral organization. The General Treasurer was ordered, in 1724, to "get a balcony built at the colony's house; the whole front of the house ten or twelve feet wide, supported with good pillars, at the colony's charge." Next year the building of the balcony was stopped and the timber was ordered sold. The General Treasurer was directed to "build and make such tables, seats and other necessaries as shall be convenient for the Deputies." Three years later, seats and conveniences were ordered for the chamber "for the accommodation of the Deputies, where they commonly sit." Weston Clarke, Recorder, and Francis Pope, Sheriff, at their own expense, built a small room in the colony house for the keeping of court rolls and other records; in 1715 the colony repaid Weston Clarke and the heirs of Francis Pope for making

this improvement. The approaches to the colony house were unsatisfactory. Hence, in 1715, part of the proceeds of the impost on negroes in the hands of the collector at Newport was appropriated for the purpose of paving the streets of Newport leading from the ferry landing to the colony house; thereafter for seven years one-third of the impost was appropriated for paving other streets in Newport as the capital or metropolitan town of the colony. In 1730, half the impost on negroes was devoted to paving. The improvement was quite as necessary as esthetic; the streets of old Newport were described as muddy with filth and sink drainage, which was splashed by passing vehicles, for "the spoiling and damnifying of people's apparel."

With the division of the colony into three counties (1729) two other colony or courthouses were ordered, one to be located on Tower Hill in South Kingstown, the other in Providence on a site satisfactory to the town. The General Assembly met in the colony house at South Kingstown for the first time on October 31, 1733. The South Kingstown Courthouse was replaced by another on Kingston or Little Rest Hill, 1752. The South Kingstown Courthouse was ordered torn down and replaced in 1774, and the new building, still standing near the entrance to Rhode Island State College, was completed in 1776. It was voted in 1735 that "George Taylor have full power and free liberty to keep school in one of the chambers of the county house in Providence during the pleasure of the General Assembly; provided he keeps the glass of said house in constant good repair (after the same is once repaired), and erect a sun dial in the front of said house, both for ornament and use, . . . ." Five years later the judges of the inferior court of common pleas for Providence County granted the use of the Providence Courthouse to "Joseph Olney and sundry others of the Baptist denomination . . . . on the first day of the week to worship God . . . . till the sitting of the Assembly." The Assembly confirmed the use "during the pleasure of the General Assembly, upon sufficient security being given to the sheriff . . . . for repairing and making good all damages that shall accrue to the said house by means of the said persons meeting in the same." In 1695 the use of the colony house at Newport for religious services had been forbidden, on objection raised by some of the inhabitants.\* In 1754 permission was granted to Stephen Hopkins and others, who had purchased books "to furnish a small library," to build shelves on the west and north sides of the courthouse in Providence and put books therein, where the books would "be a real ornament to the house and afford an agreeable amusement to the members in their leisure hours." The petitioners were further granted authority "to make such acts and orders as may be fit and necessary for the proper regulating said library." Providence and South Kingstown might have their courthouses; Newport continued to be the capital of the colony. When Joseph Jencks of Providence, was elected as Governor in 1727 the General Assembly voted him £100 from the general treasury "for to defray the charges of removing his family to Newport . . . . forasmuch as it is highly necessary for the Governor of this colony to live at Newport, the metropolis of the government." For sixty-four years under the Charter of 1663, including the years during the Andros usurpation, when Walter Clarke of Newport, the elected Governor, was in seclusion officially, the Governor had been a Newport man. The colony buildings at Providence and South Kingstown were designated as "county houses" or as "courthouses." A new "colony house," to be "built and made of brick, at Newport, where the old one now stands, consisting of eighty feet in length and forty in breadth, and thirty feet stud; the length whereof to stand near or quite north and south," was ordered in February, 1739. In May it was voted "that that part of the act for building a new colony house which directs the length there to be north and south be repealed; and that the length of said house be put east and west." And again in July, "upon the petition of sundry of the inhabitants of the town

\*Probably as a rebuke to loyalist members of the Church of England.

of Newport, setting forth that the new colony house to be built would look more commodious, etc., if the length thereof should be set north and south," it was voted, "that the late act passed for setting the length of the colony house east and west be repealed, and that the length thereof be built north and south; and that a cellar be made under the same." The plans were drawn by Richard Munday, who died long before the structure was completed. The old house was torn down almost immediately; for the election meeting in May, 1740, the General Assembly requested "of the people called Quakers, in Newport, the use of their meeting house for that day, for the purpose aforesaid, the colony making good all damages that shall accrue to said house, by meeting in it as aforesaid." But the building of the new colony house was delayed, probably because of the wars with Spain and France; in 1746, it was voted "that the committee appointed to build the colony house proceed forthwith, and finish the middle room in the chamber, and the staircases as soon as may be conveniently." In 1757 a shingled hip roof with balcony replaced the original lead roof. This was the famous colony house and later State House at Newport, in which the General Assembly met annually in May and at other times until 1901. The building was used as a courthouse until 1928, and is now preserved because of historic associations. The courthouse in Providence was destroyed by fire December 24, 1758. A new brick colony house was ordered built in 1759, on the old lot, or on the lot next north of that "whereon the meeting house of the people called Quakers stands, provided the same be purchased for the colony's use and for the purpose aforesaid without any charge to the government." The latter site was chosen; it was the school lot in Providence, on which the first schoolhouse owned by the town had been erected earlier than 1750. The school lot was exchanged for the colony house lot. On the latter the old brick schoolhouse, still standing on Meeting Street, was erected in 1768. On the original schoolhouse lot the Providence colony house, later known as the State House, and after 1900 as the Old State House, was erected. There on May 4, 1776, the General Assembly adopted the Rhode Island Declaration of Independence. Since 1901 the building has been occupied by the Sixth Judicial District Court. The setting off of Kent County from Providence County in 1750 was conditional upon the erection and completion at the expense of the inhabitants of the new county of a courthouse substantially equal in size to the Providence County Courthouse. In 1766 the colony appropriated £7000 to build a new courthouse at Bristol on the site of an older building.

**READJUSTMENT OF REPRESENTATION**—Samuel Cranston, who had served the colony as Governor continuously from March, 1698, died in office, April 26, 1727. In the almost thirty years of his administration the population had more than doubled. When Dean Berkeley came to Newport in January, 1729-1730, he found it the most populous, most prosperous, and most progressive town in North America, with a cultured social life, which the Dean and the group of brilliant men who accompanied him vastly enriched in the three years that Berkeley tarried in Rhode Island. Newport, like Athens and Venice, looked out upon the sea for wealth. A report to the English Board of Trade, requested in 1730, showed an increase in tonnage of colony-owned vessels of forty per cent. in ten years. Four hundred sailors were employed on the two ships, several brigs and many sloops plying in and out of Narragansett Bay in colonial commerce. Besides voyages to seaboard colonies on the North Atlantic, two sailings annually were made to England, two to Holland and Mediterranean ports, and ten or twelve to the West Indies. Exports, amounting in value to £10,000 sterling annually, included horses, cattle, lumber, fish and agricultural products, with butter and cheese from dairies. In 1740 120 vessels were owned in Rhode Island and constantly engaged in trade. The increase in population had suggested, for convenience in public business, particularly in courts of justice, division of the colony into three counties in 1729. The development of town population suggested further division, partly for convenience in attending town meetings and in participating in military training, and partly for adjustment of representa-

tion in the General Assembly. When Kingstown was divided into two towns in 1722-1723, North Kingstown and South Kingstown were guaranteed each an Assistant, which technically was in conflict with the Charter provision for choosing the Assistants at large from the colony. The same guaranty could not be made to the new towns set off after 1723, because (1) the Charter limited the number of Assistants to ten, and (2) South Kingstown was the tenth town, North Kingstown under the act for division being designated as the original town of Kingstown, from which South Kingstown had been taken. With ten towns the House of Deputies had thirty members. When, in 1711, Westerly sent four Deputies to the General Assembly, none was seated, and the town was advised that it was entitled to only two Deputies under the Charter. The division of towns, as each new town created was entitled to two Deputies, tended to equity in adjusting representation. Providence, which included all of what is now Providence County except so much thereof as lies east of the Blackstone and Seekonk Rivers, was divided into four towns in February, 1730-1731. The old seven-mile line, seven miles west from Fox Hill, and a line one mile north of Pawtucket Falls, extended westward, marked the division into four towns—Providence, Smithfield, Scituate and Glocester, with ten instead of four Deputies in the General Assembly. Charlestown was set off from Westerly, 1738, and Westerly thus achieved four Deputies. Coventry was set off from Warwick, and West Greenwich from East Greenwich, in 1741. The western extension of North Kingstown became Exeter in 1742-1743, and later in 1743 the northeastern portion of Newport became Middletown. Richmond was set off from Charlestown in 1747. There were then nineteen towns and forty-eight Deputies. Rhode Island as chartered in 1663 comprised four towns; five other towns were laid out, within the area covered by the Charter, but not within the area of the four original towns, before 1700, that is, Westerly, 1669; New Shoreham, 1672; Kingstown, 1674; East Greenwich, 1677; and Jamestown, 1678. In the process of reconstructing towns and erecting new towns in the first half of the eighteenth century the number of Deputies was increased from twenty-eight for nine towns to forty-eight for nineteen towns. The representation of six of the nine towns incorporated before 1700 had been modified thus: Newport (with Middletown), six to eight, Providence (with Smithfield, Scituate and Glocester), four to ten; Warwick (with Coventry), four to six; Westerly (with Charlestown and Richmond), two to six; Kingstown (North Kingstown, South Kingstown and Exeter), two to six; East Greenwich (with West Greenwich), two to four. Providence made further gains in representation during the colonial period, when Cranston (1754), Johnston (1759), and North Providence (1765) were created as towns within the original territory of the town of Providence. Portsmouth, New Shoreham and Jamestown remained unchanged; none of the three had experienced any considerable increase in population. The division of towns tended also to increase rural representation and to emphasize "town" and "rural" alignment on economic and political questions.

The settlement of the eastern boundary in May, 1746, restored to Rhode Island five towns which theretofore had been held by Plymouth and Massachusetts under the *status quo pendente lite* ruling of the King's commissioners in 1665. Bristol, Cumberland, Little Compton, Tiverton and Warren (including Barrington), by royal decree entered May 28, 1746, became Rhode Island towns. The number of Deputies was increased thereby to fifty-eight, with Cranston, Johnston, North Providence and Barrington represented, the number of Deputies, by 1770, had become sixty-six. The town of Providence in 1708 included twenty per cent. of the population of the colony, and elected twenty-two per cent. of the Deputies; in 1774, twenty-five per cent. of the population of the colony lived in towns within the original area of the town of Providence and elected twenty-four per cent. of the Deputies. Newport in 1708 had thirty per cent. of the population and elected thirty-three per cent. of the Deputies; in 1774, Newport and Middletown had one-sixth of the population and elected one-eighth of the Deputies. Little Compton and Tiverton were added to Newport County in

1746-1747, consistently with the initial purchase of Aquidneck, which included grass rights on the mainland lying east of Seacownet River. Newport County then, as now, included, besides the two mainland towns, the island towns of Newport, Portsmouth, New Shoreham, Jamestown and Middletown. Bristol County, including Bristol and Warren (with Barrington), was incorporated in February, 1746-1747. Cumberland became part of Providence County in the same year. Kent County, including Warwick and Coventry, East Greenwich and West Greenwich, was set off from Providence County in 1750.

The census taken in 1748 disclosed a total population of 32,773; of these, 28,026 lived within Rhode Island as the colony had been before the eastern boundary decision, and 4747 in the five towns restored to Rhode Island. The gain in population in the eighteen years from 1730 had been 10,191 in the original area, or approximately fifty-five per cent. Of the total population 28,439 were white, 3077 were negroes and 1257 were Indians. Newport was still the largest town, with 6508 inhabitants. Providence was second in size with 3452, and South Kingstown third with 1978. Of negroes 1606 were in Newport County, 749 in King's County, 283 in Providence County, 261 in Kent County, and 178 in Bristol County. More than one-third of negroes were in Newport; and more than one-half in Newport, Jamestown, North Kingstown and South Kingstown. In each instance, that is, for Newport alone, and for the four towns aggregated, the negro population was one-sixth of the total population. In South Kingstown 832 of 1405 people were white, the rest being 380 negroes and 193 Indians.\* The census of 1755 returned a total population of 40,414, and that for 1774 a total of 59,707, excluding seamen and other persons not at home. The white population in 1774 was 54,435. Newport was twice as populous as Providence, the respective populations being 9209 and 4321.

**IMPROVED TRANSPORTATION**—The General Assembly continued through the colonial period its general interest in means of travel and transportation, letting and regulating ferry rights, making provision for the acceptance and laying out of main highways, and making grants from the general treasury for the construction or repair of bridges so generously that most of the rivers crossed by colony highways had been spanned before 1750. The bridges were built principally of wood, the decaying of which necessitated frequent reconstruction. Usually they were at so low a level relative to the water crossed that any serious rise in the latter endangered the bridges. How unsatisfactory a river may be as a boundary was illustrated by the difficulties encountered in persuading Connecticut and Massachusetts to contribute their legitimate half-shares in the expense of maintaining bridges at Westerly and at Pawtucket. An innovation in traveling, the inauguration of a line of regular stage coaches between Newport and Boston, was promoted by grant, in 1736, of a monopoly for seven years. Three major engineering projects were investigated. The pier at Block Island was wrecked by storm, and, in 1723, the colony granted £123 as assistance for rebuilding it. Ten years later the pier was carried away again, and a committee was appointed to view the island in search of a new harbor. It was suggested that a channel might be cut through the beach into a large pond,† but the project was abandoned and £1200 were granted by the General Assembly to assist in building a new pier. Ill-fortune pursued this venture. An excessive amount of lumber was ordered. In 1736, work on the pier had been abandoned, and the committee in charge of construction were sued for damages. Later, in 1742, £200,

\*I have used the figures given in the Rhode Island Manual, which agree with the figures in the table, 5 R. I. Colonial Records, 270, in the column totals, and in town totals, except Newport. The total population for Newport given in the Manual is 995 larger than the total given in the Colonial Records; but the same 995 is exactly the error in the addition of the column for slave population in the Colonial Records. In the Colonial Records the number of negroes in Newport is given as 110. Assuming that this is erroneous, and that the error is typographical and consists in the dropping of the figure 5 from the chase, 5 being the last figure, the slave population of Newport would be 1105, and account accurately for the difference of 995 noted. Arnold, 2 History of Rhode Island, 173, gave the colony total as 34,128, of whom 29,750 were white. His figure for total population is 1355 greater than the total given by the Manual, and that for white population is 1316 greater than the figure for white population given by the Manual.

†A similar project was successful in 1900.

and in 1743, £400 were granted to assist in rebuilding the pier, the latter conditional upon satisfactory evidence that the work had been completed. The second project proposed diverting the flow of the Pawcatuck River in such way as to keep open a direct entrance to Westerly as a harbor. In 1734, the colony offered to bear three-fourths of the cost thereof if Westerly would furnish security for the payment of the balance, and to build and maintain the bridges that might be made necessary. Sixteen years later, nothing having been done meanwhile, the project was revived, and referred for consideration to the next General Assembly, but no further action was taken. In 1752, a variation of the project was suggested: that the south or east branch of the Pawcatuck be diverted into Ninigret Pond with the purpose of making a harbor at Charlestown, and, in 1761, a lottery of £20,000 was granted for the purpose. Not all lotteries were successful either as financial ventures or in accomplishing the purpose named; the project was not completed. The beginnings of a policy of conservation of natural resources were indicated by legislation (1) permitting town councils to regulate fisheries (1719); (2) authorizing town councils to protect the oyster fishery (1734), the purpose being to inhibit extermination of oysters in the fishery for shells to make lime; (3) regulating the construction of dams and other obstructions in streams which interfered with fish returning to spawn.

**PRINTING OF LAWS**—The compilation of laws printed in 1719 was not entirely satisfactory; in the year of the printing a committee to correct errors was appointed. James Franklin, brother of Benjamin Franklin, came to Rhode Island and settled at Newport in 1727. No doubt the fact that the colony had a printer hastened the project for reprinting the laws; in 1728 a committee to revise and print the laws was appointed, and in the following year the General Assembly revised, repealed or explained certain statutes as part of the process of preparing the laws for the press. A folio volume of 243 pages, including the Charter and also the laws of 1731, carried this imprint: "Newport, Rhode Island: Printed by James Franklin and Sold at his Shop near the Town Schoolhouse, 1730." The text of the laws was preceded by an alphabetical index of twelve pages. This edition included a new criminal code, and a new statute regulating weights and measures. One copy of this book was sent to England, and other copies of a limited edition were distributed to members of the General Assembly and to other public officers. One who marvels at the small editions of books printed in the period should recall that the printing press in use was small in size, and that each impression of the folio, usually four pages on each side, or eight in all, required two inkings, two layings of the paper, and two stalwart pulls on the heavy lever. Paper and ink both were expensive. In the same time required for this work, a modern press might roll off hundreds of copies. James Franklin was engaged as colony printer in 1731, at an annual salary of £20 conditional upon his printing twenty copies annually of the session laws. His widow had a similar contract in 1736. Greater attention was given to the form of laws; in 1732 the first engrossing committee was appointed, with the function of perfecting statutes. Among the statutes printed in the revision of 1730-1731 were: (1) An act permitting the docking of estates tail (1725), following the English statute, whereby the tenant might avoid the limited inheritance thereafter by a procedure the most important part of which was payment of a fine, which accrued to the King and was called the "King's silver"; (2) repeal of a statute enacted in 1718 abolishing primogeniture in the inheritance of intestate estates; (3) laws establishing quarantines against contagious diseases, and particularly smallpox. Inoculation was known, but legislation permitting it was rejected by the General Assembly in 1772, after careful discussion in town meetings and almost violent opposition; hospitals for inoculation were introduced in 1776, the first in Providence in August of that year. The simpler preventative by vaccination was to come later.

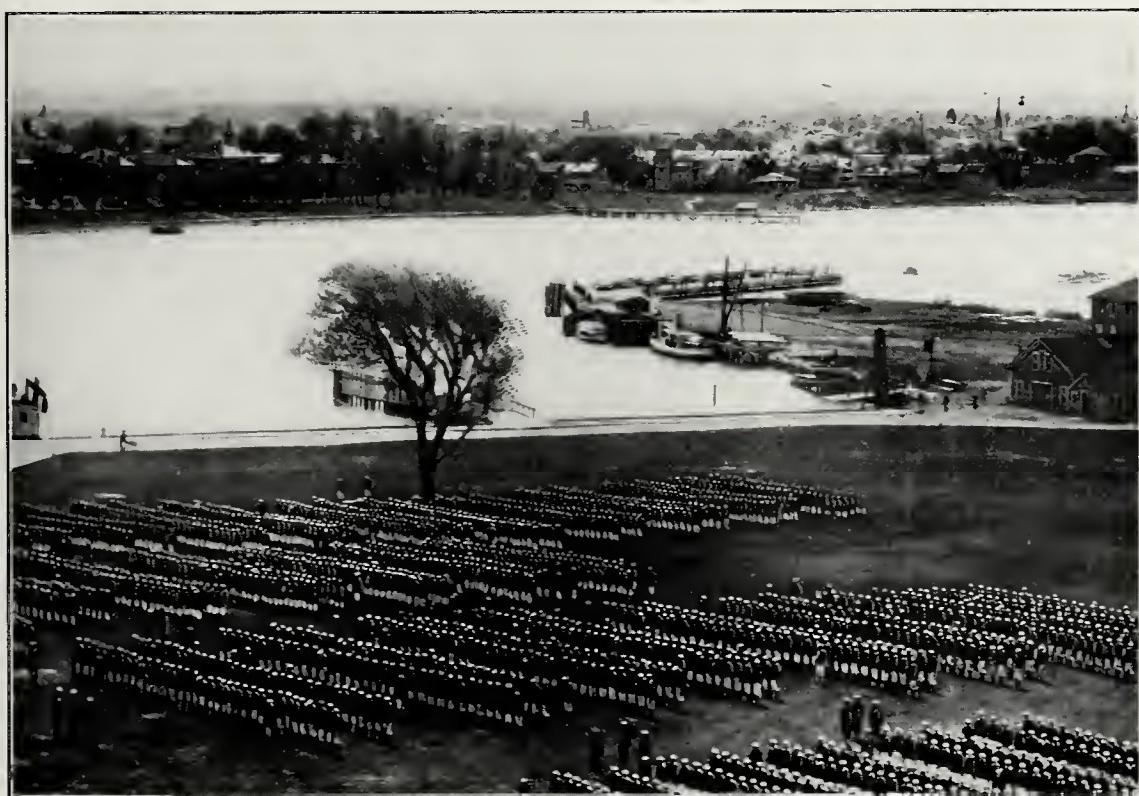
**LIBERTY OF CONSCIENCE**—Liberty of conscience continued to be respected in Rhode Island. In 1720, the Deputy's oath was amended, because of objections, so that the words

"as in the presence of God" might be omitted. While Sunday laws had been enacted early in the colony's history, principally to prohibit disturbance of the Sabbath quiet by boisterous youth and servants and to prohibit "unnecessary drinking" in taverns, the Sabbatarians in Westerly, who observed Saturday as the seventh day, instead of Sunday as the first day of the week, were requested rather than ordered in 1725 not to do servile work on Sunday. Frequent changes in the militia laws were made, now to strengthen them, again to excuse the Quakers or other persons pleading religious belief that forbade active military service; although some changes in the militia law sought reconciliation of the Charter direction that officers should be appointed, and the popular will that they be chosen by the company. The adjustment was found in provision for election and appointment by the Governor if the person elected were not objectionable for valid reasons. The colony, besides enforcing drastic statutes penalizing personal immorality, undertook somewhat to regulate behavior and public morals. No appeals were permitted from convictions of profane swearing or cursing, or of working on Sundays, or of breaking the speed laws, which forbade galloping horses in Newport and Providence. To restrict drunkenness, innkeepers were forbidden to sell liquors on credit to an amount exceeding twenty shillings (repealed, 1744). Lotteries, conducted by private agencies, were forbidden in 1733, as gambling games inducing the unwary to foolish expenditure of money. The marriage law was amended in 1733 to permit ministers of any denominations to officiate; in the early days of the colony marriage had been exclusively a civil ceremony until the King authorized marriages by ministers of the Church of England, and according to the practice of the Quakers. One may wonder what might be the occasion for celebrations, and what excess thereof suggested the statute of 1731 forbidding the firing of guns and pistols, and the throwing of squibs and reckless use of fireworks. In 1727, a "vile and mutinous book" written by Edward Hardman was publicly burned.

JUDICIAL MACHINERY; OTHER PUBLIC LAWS—The organization of three counties in 1729, including also a reorganization of the court system, which thereafter included (1) justice courts of general sessions for offences against the laws; (2) inferior courts of common pleas for civil cases, and (3) a general trial court consisting of the Governor and Assistants. The tenure of judges during good behavior was reduced to one year by a statute in 1733 which repealed elections "*quam diu se bene gesserint.*" A court of chancery was erected in 1741, and abolished in 1744 because of popular disapproval. The practice of electing Deputies semi-annually in anticipation of the May and October sessions of the General Assembly was discontinued in 1733; thereafter Deputies were to be chosen annually at the quarter meeting preceding the general election in May. The October sessions of the General Assembly were ordered held alternately in the two counties on the mainland, that is, at South Kingstown (1733) and at Providence (1734). Except that the election meeting in May was fixed by the Charter at Newport, other sessions might be held elsewhere. Thus the first meeting of the General Assembly at East Greenwich was that of February 18, 1733-1734. Six years later a statute permitted adjournment only to the county town set for the session. In 1759 provision was made for an annual adjournment to East Greenwich from each of the other counties successively; Newport, 1759; Providence, 1760; King's, 1761. Election day had become a holiday in Newport; to restrict expenditures, attendance of more than one company of foot soldiers was forbidden in 1733-1734. Care was taken to guard elections. In 1731, the proxies from New Shoreham were rejected because the return was not in compliance with law. The Smithfield proxies were rejected in 1735 because not deposited at a legal meeting. Statutes penalizing bribery and corruption at elections (1736) and illegal voting (1738) were enacted. Moderators of town meetings were forbidden (1729) under penalty to refuse to put to vote motions properly introduced; no vote might be taken in town meeting after 1729 whereby to dispose of property owned by the town or to levy a tax or



CLAY HEAD, BLOCK ISLAND



SOUTH DRILL FIELD, U. S. NAVAL TRAINING STATION, NEWPORT



assessment unless the proposition for either purpose were stated in the warrant for the meeting.

PAPER MONEY TROUBLES—For thirty years, from 1714 to 1744, the colonial government of Rhode Island was maintained without direct taxation of property. Judicial and some other offices were sustained by fees. The principal source of revenue was the interest paid by landholders who had mortgaged their estates as security for loans issued by the colony as bills of credit. The interest was sufficient under ordinary circumstances to meet the current expenses of the government, in spite of the steady depreciation, in exchange for coin and in purchasing value, of the bills of credit with which the interest could be and was paid. So far as the government was concerned the depreciation of the interest money was offset by the larger amount of interest earned and paid as the volume of bills of credit was increased by issuing fresh loans on new mortgages. Extraordinary expenditures during wars were met occasionally by issuing bills exclusively upon the credit of the colony, without, however, the provision for repayment by taxes which had characterized the earliest issues in 1710 and immediately thereafter. The government was popular because no tax burdens were imposed by it. Paper money also was popular with debtors, usually a majority in any community, either because its steady depreciation favored them in payment of interest or principal, if they were inclined to reduce their indebtedness; or because the same steady depreciation simplified the refunding process of borrowing currency of lower value to repay the debts already contracted. So far as the financial function of a government lies merely in collecting and disbursing money enough to discharge public indebtedness, it need not concern itself seriously with more than the current value of the medium of exchange. So long as the revenue is currency, the nature of the currency is immaterial. Eventually a depreciating currency favors the government which issues it in payment of current obligations, in the same way that a depreciating currency favors other debtors. The discussion so far has omitted the moral obligations of a government so to stabilize its currency as to favor neither debtors nor creditors, and to base its currency upon substantial security for redemption, thus to prevent fraud and confiscation without actual payment. While a metallic currency generally is approved by economists because of stability, it may lack the elasticity demanded by expanding business, and may need, therefore, to be supplemented by other currency. There is no essential financial error in the emission of paper currency, if the currency is founded on assets that are readily convertible into cash, and if also provision is made for redemption and retirement, particularly in periods in which business slackens. The errors in the Rhode Island system lay in resting the paper currency on land, which is not quickly convertible, and in the recognition almost at the outset that the currency could not be redeemed readily. Depreciation began, therefore, almost immediately after paper currency was issued, and continued as the volume thereof increased. The depreciation rested most heavily on persons with fixed incomes, as the purchasing value thereof diminished. As to the honesty of the government, it should not be forgotten that the currency as issued purchased only its value in coin. This view is presented in the letter written in 1740-1741 by Governor Ward in answer to inquiries by the English commissioners of trade. The following is a summary of the letter:

"In the year 1710 we" struck "off a quantity of paper money to supply the want of silver and gold (then exceedingly scarce). Seven thousand pounds in bills were therefore emitted. . . . These bills amount to £4593 15s. and passed equal to silver at eight shillings per ounce. . . . Anno 1711" we "added £6300 to the former emission, which likewise passed equal to silver at eight shillings per ounce and amounted to £4134 7s. 6d. . . . Husbandry and mechanical arts were the only employment of the inhabitants of this colony till about the beginning of the present century; in consequence of which a small medium of exchange was sufficient till other emergencies required a larger." For various reasons, war, etc., "we were compelled to make an emission of £40,000 in bills of credit, anno 1715, which was issued on

loan at five per cent. to the inhabitants for ten years upon land security. . . . Silver was worth twelve shillings per ounce at the time of making these last bills, and their whole amount was about £17,000.

"1721. As the little trade of our colony . . . had begun to revive . . . the merchants found themselves in a capacity of rendering it more extensive through the assistance of that medium they were furnished with, by the emission of paper bills, anno 1715. They accordingly built more vessels, and generously advanced into a much larger trade, and everything among us seemed to be in flourishing circumstances. But the merchants of Boston . . . bought up all the gold and silver they could lay their hands upon in this and the neighboring governments in order to pay their debt in England. This rendered these commodities very scarce, and our bills having obtained a currency amongst our neighbors in the adjacent government, became scarce likewise. . . . All which obliged us to emit another £40,000, A. D. 1721. . . . Silver was worth about sixteen shillings per ounce at the time of making these bills; and their whole amount was £13,125.

"The surprising growth of our commerce, occasioned in a great measure by the merchants being supplied with a medium of exchange . . . invited people of all sorts and conditions to come from all parts and settle among us. This made our colony populous, furnished us with mechanics of every kind, and helped us to make a further progress in trade and navigation, which required a larger medium than we had. Therefore, anno 1728, . . . the General Assembly emitted £40,000 more in bills of public credit. . . . Silver was at eighteen shillings per ounce at the striking off of these bills, and their total amount about £11,666 13s. 14d." To encourage hemp raising and the whale and cod fishery "the General Assembly, anno 1731, passed an act for the emitting of £60,000 in bills of public credit. . . . Silver was worth twenty-two shillings per ounce, when these bills were emitted, and their amount was about £14,218 3s. 7d. To further the scheme of making a harbor at Block Island and pay for the fort, anno 1733, another bank of £104,000 was made. Silver was worth, at the emission of these bills, twenty-five shillings per ounce, and their total amount was about £21,840.

"1738. We emitted £100,000 more . . . to the building of a large brick state house for the colony's use and to erect a lighthouse for the benefit of our navigators." This emission was intended also to furnish a medium of exchange for Connecticut and Massachusetts. "Silver was at about twenty-seven shillings per ounce when these bills were emitted; and their total amount about £19,444 8s. 10d.

"1740. To build the colony sloop, to raise soldiers and for incidental war expenses it became absolutely necessary to emit more bills of public credit. Upon which the Assembly have this year, 1740, passed an act for issuing out £20,000 in paper bills, equivalent to silver, stated at six shillings and nine pence per ounce, to be let out at four per cent. upon loans (on such land security as hath been heretofore taken) for ten years, and then to be sunk by ten equal payments. Silver is now worth twenty-seven shillings per ounce, and the whole of this bank amounts to about £15,555 11s. 1d." Governor Ward argued that the emission of paper currency had stimulated trade, which was "greater in proportion to the dimensions of our government than that of any colony in his majesty's American dominions"; that Massachusetts had also profited from the rum, sugar and molasses trade carried on in Rhode Island vessels; and that "the West Indies have likewise reaped great advantage from our trade by being supplied with lumber of all sorts, suitable for building houses, sugar works and making casks; beef, pork, flour, and other provisions, we are daily carrying to them, with horses to turn their mills, and vessels for their own use; and our African trade often furnishes them with slaves for their plantations. To all this we beg leave to add that the merchants of Great Britain have, within these twelve months, or thereabouts, received seven or eight sail of ships from this colony for goods imported here of late and sold to the inhabitants.

"When the whole of what we have outstanding, to wit, £340,000, is reduced to sterling money it will not amount to more than £88,074 16s. 10 $\frac{3}{4}$ d., a very small sum to serve for a medium of exchange. . . . Your lordships will doubtless observe that paper bills have from the time of their being first made sunk in value till of late years, the cause whereof (which common experience hath taught us), we humbly take leave to suggest to your lordships. It is supposed by many that the frequent emissions of these bills hath effected their depreciation. But the contrary may be safely averred. For they always passed and were received equal to silver, at so much per ounce, till the merchants of Boston, having large quantities of goods from Europe, and supplying all the governments of New England therewith, could find no way to make sufficient remittances, but by buying up all the silver and gold they could purchase. This put those commodities on the same level with common merchandise; and so they who wanted it most bid higher and higher till gold and silver arrived to the price they now bear, always taking care to rate their goods in proportion to what they last gave for sterling money. . . . For these six years last past bills have continued to be equal to silver at twenty-seven shillings per ounce."

Governor Ward did not avoid the plain facts (1) that silver had risen in value from six shillings per ounce to twenty-seven shillings per ounce in thirty years; (2) that the colony had accumulated a debt of £88,000 sterling; (3) that silver and gold had practically disappeared from circulation; (4) that silver and gold had been exported because of the insistence of English merchants upon payment in money current in England; (5) that little apparent effort had been made to turn the profits of what had been unquestionably a period of trade expansion and commercial prosperity toward redemption of indebtedness in such manner as to make the advances attained secure. The last scarcely could be expected; it has been characteristic of expansion and inflation and exploitation and commercial adventure in all time, that those who profit seldom dare to stop short of the "explosion" that precedes bankruptcy.

Exhibiting in Rhode Island's internal politics that same tact and wisdom that had rendered his service invaluable in relations with England, Governor Cranston almost alone of general officers weathered the stormy political revolution and counter-revolution of 1714 and 1715, in which the issues were paper money and control of the militia. With reference to the former the mandate of the people had been so clearly expressed that for the time being opposition to paper money was not popular with politicians. When, in 1731, Governor Jencks made a determined effort to check inflation by attempting to veto a bill emitting bills of credit, he ended a political career that had endured for a generation of continuous service in public office as Deputy, Assistant, Deputy Governor and Governor. Governor Jencks in his letter to England requesting rulings on his veto had announced that he did not choose to be a candidate for reëlection in 1732; probably he could not have been re-elected in view of the vigorous opposition to him by the paper money party, led by the redoubtable John Wanton, and of the opprobrium cast upon him by reason of his appeal to England to defeat a measure enacted into law by the General Assembly.\* While the popular Wantons, William and John, were Governors the paper money party was in control of the government. The letter (*supra*) written by Richard Ward, who succeeded John Wanton as Governor in 1740, stamps Ward as an apologist for, if not an advocate of, paper money. The comparatively rapid alternation of Governors, 1743-1755, thus: William Greene, 1743-1745; Gideon Wanton, 1745-1746; William Greene, 1746-1747; Gideon Wanton, 1747-1748; William Greene, 1748-1755, was not because of changing popular attitude toward paper money, although in 1744 four Deputies from Newport joined in signing a protest against the emission of bills of credit, and an Assistant, also from Newport, entered an individual protest. It is possible that in the election of 1744, the first after the erection of Middletown as a separate town by separation of the farming section from the compact "town" of Newport, the merchants of Newport had won the election of Deputies; and that the protest reflected their views as to the wisdom of further inflation. Gideon Wanton con-

\*See Chapter IX.

tinued the family influence and the Newport ascendancy in colonial politics. While William Greene, the second Governor not a Newporter, was from Warwick, his affiliation with Newport was closer than with Providence, which with the northern group of towns was gaining rapidly in population, wealth and commerce. From the middle of the eighteenth century for twenty-five years, with the paper money issue quieted, political conflict was principally sectional, with Newport and King's Counties arrayed against Providence and the northern communities. Bristol County joined with Providence, while Kent County was divided between the parties. In 1746 Stephen Hopkins, one other Deputy from Providence and one Deputy from each of Scituate and Gloucester protested against an appropriation for additional fortifications at Newport for the general reason that Newport already had been fortified at the expense of the colony, and "that we apprehend such a sum of money . . . will be more useful for the defence of the colony if it be kept in the treasury until it be known in what place and in what manner we shall be attacked by the enemy."

Returning from paper money as an issue in partisan politics for the time being to paper money as a distinctly economic and social issue affecting the public welfare and the development of Rhode Island as a colonial commonwealth, a significant change in the form of bills of credit was made in 1740, with the purpose of stabilizing them. Bills of credit issued from 1710 to 1738, inclusive, were in the form of promises to pay a stated amount of money and might be redeemed in currency. In 1740 a new type of bill, payable in silver at nine shillings an ounce or in gold at £6 13s. 4d. an ounce, was issued. With reference to the latter type of bill the term "new tenor" distinguished it from earlier issues, thereafter designated "old tenor." Had there been no marked depreciation in paper currency, the difference between old tenor and new tenor would be no more significant than the merely technical difference in the twentieth century between United States legal tender notes, issued as promises to pay a stated number of dollars, and silver certificates payable in silver dollars, or between both and gold certificates, payable in gold coin, so long as the United States maintains all its currency on the gold standard. Because of depreciation, however, old tenor bills, payable in silver at twenty-seven shillings an ounce, were worth only one-third as much pound per pound as new tenor bills, payable in silver at nine shillings an ounce. Even this ratio was not stable; the exchange value of old tenor currency had been reached by depreciation from eight shillings an ounce; it might vary again, and did. By 1749 the relative value of old tenor notes was one-fourth of new tenor notes of the same stated amount. Furthermore, the actual purchasing value of the new tenor currency might be determined, as it was, not by the amount of silver or gold promised so much as by an estimate of the ability of the colony to fulfill its promise to redeem the bills in silver or gold. When, in February, 1743-1744, the General Assembly, seeking interest as revenue to replace that no longer earned on old issues of bills of credit, as mortgage loans were repaid in the sinking process, and actually standing in need of money "to defray the charges of the government," voted to emit £40,000 in bills of credit, new tenor, four Deputies, all from Newport signed and filed a protest against the measure for these reasons: (1) Because the rate of interest was so low, and the time of payment so remote as "necessarily to depreciate their value, as well as frustrate one of the principal ends of emitting . . . which is to defray the charges of the government." (2) Because . . . "so large a bank at this time will be of most pernicious consequence to the trade of this colony by so much depreciating our whole paper currency . . . which when once begun no one can tell where it will stop." (3) Because "This emission will make so large an addition to that load of bank mortgages already upon the lands of this colony that posterity will never be able to discharge them, but must unavoidably end in the utter ruin of a vast number of families." (4) Because "we look upon it to be highly unjust to make an act that will naturally and necessarily depreciate the bills already extant, whereby all creditors will be defrauded of a great part of their just dues; widows and orphans, whose interest consists of money, will be greatly injured and oppressed, all industry discouraged, and idleness, extravagance

and extortion highly encouraged, to the manifest hurt and dishonor of the colony." (5) Because "we apprehend it will greatly endanger our most valuable Charter privileges, and be looked upon as a presumptuous and undutiful piece of conduct to add one emission to another, and of such a pernicious tendency, after so many instructions, admonitions and commands to the contrary. . . ." In September, 1744, a direct tax on property of £10,000, old tenor, was levied to defray in part the expenses incurred since news of a fresh war with France had reached the colony. In the same year Rhode Island had recourse to a new device for financing internal improvements, the lottery. Private lotteries had been forbidden in 1733 as gambling games. Eleven years later, the colony chartered a lottery for £15,000 to raise £3000 net to rebuild the Weybosset bridge in Providence. This lottery was so successful that the public lottery thereafter for a century was a favored device for financing public, quasi-public and private enterprises. The General Assembly faced its fiscal problems with four devices for raising money: (1) direct taxation; (2) interest on bills of credit issued as loans; (3) bills of credit issued (as forced loans) to pay colony debts, and (4) lotteries. The first was unpopular; the second was failing as loans were repaid; the third became difficult because of depreciation at the outset, in spite of the promise of tax levies to sink the issues within reasonably short periods of time. Governor Wanton, in filing claim in January, 1748, for reimbursement for war expenditures stated the gross amount claimed in New England currency "at the rate of £750 this currency for £100 sterling," the prevailing ratio of exchange for old tenor. Further depreciation was indicated by the vote in General Assembly, in May, 1748, to pay the troops raised for an intended invasion of Canada "in bills of public credit at 900 per cent. advance upon the sterling wages." Two years earlier, in August, 1746, the freehold qualification was increased from land valued at £200 to land valued at £400, and the rental value required was raised from £10 to £40 per annum; in February, 1729-1730, the freehold qualification had been raised from £100 or forty shillings per annum to £200 or £10 per annum. Both of these changes were measures to stabilize the property qualification by offsetting the depreciation of currency and inflation of land values. When, in 1798, the freehold qualification was changed to \$134 or \$7 per annum, colonial currency was translated into decimal currency at the rate of six shillings to one dollar. In 1749 £7800 sterling exchange, remitted as reimbursement for war expenditures, was exchanged for £88,725 currency, old tenor, at the ratio of £100 sterling for £1050 currency. The £88,725 was sunk by burning. In May of the same year the sheriff of Newport County was ordered to "provide liquor, to the amount of £50, to entertain those gentlemen that shall attend the solemnity of proclaiming peace."

The war being at an end, Parliament had resumed interest in colonial affairs, and, in 1749, had before it a bill relating to paper currency. The Rhode Island agent in England was instructed to oppose the bill, "since, should it pass into a law, it would annihilate all the legislative power granted to this colony." A committee of the General Assembly, of whom Peter Bours, Stephen Hopkins, and Daniel Jencks acted, appointed in October, 1749, to draft a statement of the amount and tenor of all bills of credit issued and outstanding, reported in February that it had "assumed that province and perpetrated the business." The report may be condensed as follows: Of bills issued as loans on mortgages of land £40,000, series of 1715, and £40,000, series of 1721, had been redeemed. Bills of this type outstanding were:

	Year of Issue	Currency Emitted	Value in Sterling	Outstanding in Sterling	Sinking to be Completed
Old Tenor .....	1728	£40,000	£12,800	£727	1751
Old Tenor .....	1731	60,000	16,842	1,091	1751
Old Tenor .....	1733	100,000	25,397	3,627	1753
Old Tenor .....	1733	100,000	19,753	8,182	1758
New Tenor .....	1740	20,000	15,802	7,272	1760
New Tenor .....	1743	40,000	28,444	14,545	1763

Of bills issued for the treasury, amounting to £312,300 of currency, between May, 1710, and February, 1747, £176,964 6s. 10½d. had been redeemed and burned; and £135,335 13s. 1½d. was still in force, of which £24,891 10s. 10d. was in the treasury. The net indebtedness of the colony was stated as £10,040 7s. 5d. sterling. The report also stated that £9,332 12s. 10d. sterling, due from the crown for war expenses, was held as a sinking fund; which when paid would reduce the colony indebtedness to £708 14s. 7d. sterling. In this summary the £35,444 sterling secured by mortgages was treated as a private debt resting on the landholders rather than as a public debt resting on the colony, in spite of the fact that the colony had indorsed its promise to pay upon each and every bill of credit issued on mortgage security. Again, the report ignored altogether the plain fact that the volume of outstanding bills of credit secured by land mortgages constituted the major factor contributing to the depreciation of paper money.

A bill introduced in the House of Deputies in August, 1750, to authorize emission of £50,000, postponed because of adjournment, aroused seventy-two inhabitants to send a letter of protest to the King. In March, 1750-1751, the bill was revived, but the amount to be issued was reduced to £25,000, exchangeable for silver at 6s. 9d. per ounce. An attempt to prevent depreciation appeared in a penalty for "the indirect and illegal practices of sundry persons giving and offering from time to time for gold, and silver, and bills of exchange for sterling money, greater and larger sums and proportions of the bills of credit of this colony." In March the ratio of the new bills in exchange for old tenor was stated as 6s. 9d. to 54s. In June the statute was amended, and the value restated as 6s. 9d. per ounce of silver, 16s. new tenor, and 64s. old tenor. In August, 1751, the Assembly abandoned effort to stay depreciation and established silver as the standard money of the colony, in a statute that ordered judgments by courts in such amounts of bills "as at the time of payment are really and truly worth one ounce of silver of sterling alloy" for every sixty-four shillings due of old tenor, or for every sixteen shillings due of new tenor, or for every 6s. 9d. due of bills emitted in March, 1750. In February, 1751-1752, the value of Spanish milled dollars was stated as fifty-six shillings each old tenor. The issue of March, 1750, was the last during the colonial period of bills of credit resting on mortgages of land. Thereafter the colony from time to time issued bills of credit to replenish the treasury, some of the emissions in war times being for large amounts.

There is little reason for doubting that the earlier issues of paper money were beneficial to Rhode Island. Had the initial plan for sinking the treasury bills issued in 1710 and 1711 by an annual tax been followed, the episode would have passed in history as amounting to nothing more serious than emergency borrowing in anticipation of revenues. The repeated emissions of treasury bills without definite provision for redemption suggested so much uncertainty as to warrant hesitation in accepting them at face value; depreciation is much easier to prevent by sound financing at the outset than to stop once it has begun. The issues of land loan bills of credit in 1711 and 1715 might be justified to permit a wholesome expansion of trade and commerce, besides investment in improvements and new enterprises that would more than repay the principal and yield ample profits within the period fixed for retiring the loans. Dean Berkeley found Rhode Island unusually prosperous in 1729-1730. The population had more than doubled between 1708 and 1730. Newport was a thriving commercial town, the metropolis of Rhode Island if not of English North America. "The great obstruction concerning trade," wrote Governor Sanford in 1680, "is want of merchants and men of considerable estates." Capital had been found, and merchants and wealthy men had risen up in or had come to Rhode Island. All was not well, however; else there should have been no necessity for extending the time of paying off the mortgages written as security for bills of credit issued in 1711 and 1715. Eventually, as further relief for debtors, provision was made for repayment of these mortgages in annual installments without interest.

When the time for repaying mortgage debts was extended, practically it was necessary also to continue the circulation of bills of credit secured by these mortgages, lest the borrowers, through reduction in the volume of currency, be compelled to make repayment in money forced to a value higher than that in which their debts had been contracted. The loans rested on good security, save for the objection to land as a basis for currency and commercial loans that it is not a "quick" asset. Probably these bills of credit would not have depreciated, had the colony made reasonable provision for redeeming its own treasury notes. Withal there was little reason for an accusation of inflation, in view of general prosperity, until, in 1728 and 1731, the colony emitted two series of bills of credit, totalling £100,000, secured by mortgages on land. There had been enough depreciation following the emission of 1728 to arouse a serious doubt amongst merchants as to the wisdom of additional issues of bills of credit. Merchants protested vigorously before the emission of 1731, and Governor Jencks attempted to veto the act of the General Assembly authorizing it. Very unfortunately for Rhode Island, paper money advocates were able to exploit his appeal to England as an attack upon the liberties of the people secured by the Charter, and thus to ingratiate themselves with the people as defenders of Rhode Island independence. Attention was thus diverted from the very significant economic issue. Two emissions of £100,000 each followed, in 1733 and in 1738. Premonition of disaster appeared in the difficulty attending collections of installments on mortgages as due. The device of substituting four county attorneys for the Attorney General, abandoned in 1742, was intended in 1740 to facilitate trials of collection cases. Over 1000 collection cases were pending in 1742. While repayment of mortgages could be enforced by foreclosure and sale, any considerable volume of forced liquidation is disquieting to business, which is never satisfactory unless the tone of the community indicates prosperity. Foreclosure sales are evidence to the contrary, indicating that beneath the surface something radically wrong is at work. While it is difficult (1) because of colonial wars as distracting factors; (2) because of English regulation of colonial trade that tended to hamper and embarrass both merchants and carriers, and (3) because of gains made by Providence in commercial rivalry with Newport that have been counted as losses to Rhode Island by some who have failed to distinguish Newport and Rhode Island, to ascertain exactly the period in which merchants became convinced that the financial situation in Rhode Island was becoming hopeless, the year of 1749 appears to have been critical. Massachusetts had supplemented the money received from England as reimbursement for war expenditures by a tax upon property, and had used both to retire the larger part of paper currency issued during the colonial wars, the policy of redemption having been dictated by England. Rhode Island and Connecticut were less subject to dictation. In Rhode Island only a part of the money received from England was actually applied to redeeming outstanding bills of credit. The Massachusetts policy was beneficial; the Bay Colony experienced little of the financial distress from loss of trade that visited both Rhode Island and Connecticut. With coin legal tender in Massachusetts, a profitable trade with the West Indies that heretofore had passed through Rhode Island ports was attracted to Massachusetts ports because of the better money. Rhode Island merchants and carriers became thoroughly alarmed. Seventy-two inhabitants protested to England in 1751 against further emission of bills of credit. The General Assembly was obdurate and defiant, but it reduced the amount of a proposed new issue fifty per cent. and repealed provisions for bounties which had been proposed as a stimulus for production in Rhode Island of merchantable commodities for export. The last issue of bills of credit on land security, 1751, barely escaped the inhibition in an act of Parliament which became effective in September, 1751. The act of Parliament stopped the printing presses, but it had come too late to avert disaster in Rhode Island. Business failure followed failure in Rhode Island in 1752, as defaulting debtor dragged his creditors after him into bankruptcy. Fortunes melted in the debacle; rich became paupers almost in a twinkling. Joseph Whipple,

theretofore prosperous merchant, beheld his argosies vanish into nothingness, assigned his entire estate for the benefit of his creditors, and resigned his office as Deputy Governor. The General Assembly enacted a special statute of insolvency for Joseph Whipple in compliance with his pathetic plea for relief. In 1754, a bill for the relief of insolvent debtors was drafted, and ordered printed, "and a copy sent to each town clerk in the colony, for the perusal of all persons that shall incline to it." Following this informal "referendum," a statute was enacted in 1756, so that debtors, stripped by their creditors, might be discharged and permitted to make a fresh start toward earning a livelihood. The chaotic financial legislation of the period, with the changing tenor of bills of credit, and attempts to stabilize the currency, while purposing to stem the tide of depreciation, had tended to precipitate the panic by unsettling money values altogether; it was this, rather than unsoundness in their adventures and investments, that had stampeded the merchants. Even the statute of 1751 establishing the silver standard, while sound in principle, was like tonic medicine administered after the patient had become so weakened as to be able no longer to withstand the shock of heroic treatment. The more promising remedy—direct taxation and retirement of currency after redemption—undertaken in 1744, had not been so well sustained in the intervening years as to return colonial finance to a sound basis.

A recovery of public credit and a revival of prosperity in Rhode Island were delayed by the French and Indian War. As loans on land mortgages were repaid bills of credit were retired and burned. A policy of redeeming outstanding treasury bills of credit was inaugurated in 1754, when a tax of £25,000 was levied expressly for the purpose. To meet the war emergencies the Treasurer was authorized in January, 1755, to borrow £4000 at interest not exceeding ten per cent.; under similar circumstances in earlier years recourse had been to emission of bills of credit. In the same year, however, £240,000 in bills of credit were emitted to finance Rhode Island's active participation in the expedition against Crown Point, with the provision for the redemption within two years or refunding at the end of two years with interest-bearing treasury notes, not intended to be circulated as currency. The earnest effort made to prevent fresh increases in currency and to reduce the volume of older currency was indicated by the assessment of heavy taxes, and the care taken to apply such money as was received from England as reimbursement for colony war expenditures to the retirement of currency. Indeed, the shipment of gold and silver coin from England to America during the French and Indian War was most helpful in solving the colonial currency problem. Before 1750 the colonies had been steadily drained of gold and silver coin, as unfavorable trade balances tended to force specie shipments to England. During the French and Indian War regular shipments of specie were made from England to America to finance the war operations against France. Pitt, the English Prime Minister, had already undertaken the policy of spending English gold to win England's wars which later was most pronounced in the long contest with Napoleon. The heavy gold coinage of Portugal and the Spanish milled silver dollar helped America to resume specie payments. Eventually the Spanish milled dollar became the standard for the decimal currency of America. Governor Hopkins and a group of influential Providence men, including Nicholas Cooke, later the Revolutionary War Governor who replaced Joseph Wanton, earnestly supported a sound money policy. Governor Hopkins, in a message to the General Assembly meeting in Newport in August, 1756, urged careful consideration of the financial problem, as follows: "Public affairs of the greatest importance to the honor and interest of this colony must receive their determination from your resolutions at this time. The money granted by the British Parliament . . . being now arrived in America, the manner in which the colony's debt may be sunk by it, must now be ascertained. The bills of credit last emitted by this colony, being so much obstructed in their circulation by many, whose designs seem calculated to ruin the public credit of this colony, with which its constitution must also sink, it is become abso-

lutely necessary to call in and sink those bills immediately, or find some other expedient to give them credit. The money already provided for carrying on the present expedition against Crown Point being wholly exhausted, and our forces like to continue some time longer abroad, where they must be provided for; and at their return, will reasonably demand their wages; and many expenses already accrued, not being paid, some method must be taken to supply the general treasury with money sufficient for these purposes. These, with such other things as are in course before you, will come under your consideration at this session." This earliest message of a Governor of which there is a copy in the state archives, was an earnest plea for sound financial practices. A committee of the General Assembly reported £18,208 of the Crown Point notes already burned. The Assembly enacted a statute calling in the balance of the Crown Point notes for redemption, two-thirds in coin received from England and one-third in treasury notes payable in gold or silver coin on or before December 22, 1757, and also ordered a direct tax for supplying the treasury. New Hampshire bills, which had been counterfeited, were declared not a legal tender and their circulation was forbidden. The sound financial policy adopted under the leadership of Governor Hopkins was helpful almost immediately, although Newport merchants, objecting in 1759 to the apportionment of a tax, complained that they had incurred losses totalling £2,000,000 in the war. The war was disastrous to commerce, although losses in trade were in large part recouped, if not surpassed, by gains made in successful privateering. Providence had gained tremendously as a rival of Newport, although Newport was still a cosmopolitan seaport, glorying as did Venice of old in being the resort of merchants of all nations. Witness this list of merchants naturalized in Newport in seven years: Joseph Antunes, Portugal, 1750; Francis Ferrari, Genoa, 1751; Peter Simon, France, 1751; Stephen Decatur (grandfather of the Commodore), France, 1753; Peter Mirail, 1753; Ami Decatoy, Genoa, 1754; Jacob Lund, Norway, 1754; Christian Mayer, Luxemburg, Germany, 1755; Nicholas Battar, John Amiel, and Guillaume Albresby, France, 1756. Moses Lopez, for service in translating Spanish, was relieved in 1753 of personal services to the colony. In the same year, he was granted a patent for ten years for making potash, because "the said Moses, by the assistance of a particular friend, that is not in this country, hath made himself master of the true art and mystery of making potash, which is known to very few in the kingdom," with franchise for option on all wood ashes not used by owners. To James Rogers, 1754, a patent for making pearlashes for ten years was granted. James Lucena, late Portuguese, naturalized citizen of Newport, in 1761, was granted a patent for making "soap of the same kind and quality as that made in Castile, in Spain, and called Castile soap," for ten years, provided he would at the end of or expiration of the ten years "discover the secret or mystery of the said business or manufacture to the General Assembly."

The policy of retiring treasury bills of credit was pursued steadily. In 1762 a committee appointed "to examine into the amount of bills of credit issued by the colony" reported that £41,647 17s. 11d. of bills issued earlier than February, 1749, had been burned, reducing the amount outstanding from £135,335 13s. 1d. to £93,687 15s. 2d., old tenor. Of the £240,000 emitted in 1755 to finance the Crown Point expedition £236,678 3s. had been burned. Bills amounting to £14,000 emitted in 1756 had been sunk, or would be by money already in hand. A committee appointed "to prepare a statement of the condition of the currency of the colony" reported in 1764: (1) That the land loan of £25,000 issued in 1751 had depreciated two-fifths, and was approaching complete redemption; (2) that the Crown Point issues of 1755 and 1756 had been redeemed and burned; (3) that £20,909 of treasury bills issued in 1758 and £20,000 emitted in 1759 had been burned; (4) that £27,000 emitted in 1760 and £13,000 emitted in 1762 for war purposes were outstanding. The £40,000 of outstanding war issues equalled £30,000 sterling, carried five per cent. interest and had not depreciated. The committee anticipated complete repayment of all bills by 1767:

but reported that the colony was "largely in debt for money hired of private persons during the course of the war; and this debt is the greater because it (the colony) has received nothing for its expenses incurred in support of the war in the year 1756, which was reimbursed to the other colonies by Parliament." The report concluded with this significant statement: "In a colony where the constant demand for remittances to the mother country makes it impossible for silver and gold to continue, what will be the medium and instrument of commerce when paper bills are at an end we know not." One of the glaring defects of colonial government in the seventeenth century was the failure of European statesmen to provide adequate colonial currency; Spain and Portugal were more fortunate than England in this particular, because of the gold and silver easily mined, the export of which to the mother countries cancelled unfavorable trade balances arising from importing commodities produced in Europe. The money problem was one only of several that were perplexing and that tended to recognition of a divergency of interests economically that portended conflict.

In June, 1763, the General Assembly enacted a statute "declaring what is and shall be lawful money of this colony." The preamble recited that "there is no act of this colony declaring what is or shall be lawful money of this colony, for want whereof, as a standard in contracts and dealings, much uncertainty and confusion have been occasioned; . . . great quantities of paper bills of credit . . . have been . . . created and issued on loans and otherwise, which . . . must soon be called in, discharged and sunk; and . . . said paper bills of credit have been considered as a medium of trade and a measure in dealings in lieu of money, whereby obligations and securities have been made and given, and debts contracted in said bills, which from a scarcity of these bills that must unavoidably happen near the expiration of the several terms for which they were issued, cannot be discharged and paid in the bills themselves," etc. The act declared an exchange value for lawful money bills in silver and gold coins of England, Spain and Portugal, and to arrest depreciation forbade higher rates of exchange under penalty. "For the better ascertaining the true value of such old tenor bills," the act included a table to be used by courts in fixing "the value of old tenor debts," in Spanish dollars, indicating the changing ratio of exchange from year to year. The table showed that whereas £2 16s. of old tenor equalled a Spanish dollar in 1751, £7 was required to purchase a Spanish dollar in 1763. The depreciation in twelve years was 60 per cent. The circulation of old tenor notes was forbidden after January 1, 1771; they were redeemed in treasury notes at the rate of six shillings lawful money for £8 old tenor. Lawful money notes at that time were at par with sterling, and the paper money period was at an end.

The heavy taxes levied during and after the French and Indian War were applied in part to retiring outstanding currency, and in part to war expenses, including heavy charges for interest on the public debt steadily accumulated because of England's failure to reimburse the colony adequately. Meanwhile most public improvements except those that must be met immediately, thus requiring emergency appropriations, were met by lotteries, the first of which for a public purpose was authorized in 1744, to rebuild Weybosset Bridge in Providence. Other lotteries for public purposes were authorized as follows: To rebuild Pawtucket Bridge, 1750; to build a bridge across the Blackstone River between Cumberland and Smithfield, 1750; to pave Queen Street (the Parade) and Thames Street in Newport, 1752; to reimburse certain inhabitants for repairs on Pawtucket Bridge, 1752; to finish Kent County Courthouse, 1752-1753; to build a bridge in Scituate, 1754; to raise £10,000 for the improvement of Fort George, 1756; to buy land for the Colony House in Providence, 1759; to pave streets in Newport and in Providence, 1761; to build a weir for fish at Pawtucket Falls, 1761; to build a new harbor at Block Island, 1762; to pave Westminster Street, Providence, 1763. These lotteries were additional to some of a quasi-public nature, such as building Masonic Hall, including a large room for public meetings, at New-

port; replacing the library burned with the Colony House in Providence; erecting a market building in Newport; building churches in Johnston and Providence; and to private lotteries for the relief of debtors and to recoup a shipowner for the loss of a vessel not covered by insurance. Improvements undertaken at colony expense included the building and rebuilding, after destruction by fire, of the lighthouse at Beaver Tail; a pesthouse at Providence; and the Colony House at Providence. The lighthouse at Beaver Tail, 1749, was the first erected on the Atlantic coast of North America. Constructed of wood, it was destroyed by fire, 1754, and rebuilt of brick and stone. A beacon or other signal light had been maintained at various times at Beaver Tail from 1680. The British destroyed the Beaver Tail lighthouse as they evacuated Newport in 1779. The lottery to purchase the Colony House lot in Providence was first authorized to raise the money in dollars; subsequently the lottery act was amended to permit financing in currency. In the instance of a bridge across Hunt's River the colony ordered each of the towns of East Greenwich and North Kingstown to build a stone abutment on its own side of the river, the colony furnishing the span. A terrific gale and high tide carried away Weybosset Bridge, Providence, and the bridge across the Pettaquamscott River, October 24, 1761; the colony appropriated £1000 for the Providence bridge and £300 for the Narragansett bridge. In 1762 a lottery was granted to finance building a draw in Weybosset Bridge to facilitate the passage of vessels, which at that time ascended the Moshassuck River to the first falls; the bridge earlier than 1761 had been constructed in such manner that a section could be removed to permit the passage of vessels.

**SECTIONAL POLITICS**—The earliest political controversy in Rhode Island was sectional. Newport and Portsmouth, which had established a civil government under a Governor, so much resented the granting of the Parliamentary Patent under the name of Providence Plantations that organization of the four original settlements under the patent was delayed by reason thereof. The situation was reversed somewhat by the King Charles Charter of 1663, which named the colony Rhode Island and Providence Plantations and designated Newport as the capital by making it the meeting place for the annual General Assembly. If the men from the northern settlements nourished resentment, they concealed it in the general rejoicing because of the liberality of the Charter. Newport was the capital, and Newport and Portsmouth men were influential in the new organization, in which they had a majority of two Deputies. For sixty years Newport furnished Governors for Rhode Island in a continuous unbroken line of succession. Then came Joseph Jencks of Providence, who had earned the office of Governor by long and meritorious service in the General Assembly and as Deputy Governor. The General Assembly directed Governor Jencks to establish a residence at Newport. When Governor Jencks committed a political blunder by carrying his protest against the issuing of paper money in 1731 to the King, his opponents made the utmost possible advantage of the accusation that by doing so he had conspired against and endangered the liberties of the colony; for twenty-three years thereafter, with the exception of William Greene, the Governors were Newport men. Governor William Greene, of Warwick, was allied with the Newport group.

Meanwhile a new political star had risen in the north, as Stephen Hopkins, of Scituate\* first and afterwards of Providence, became a prominent figure in the colonial government. Entering public life in 1732, Stephen Hopkins was elected as Speaker of the House of Deputies in 1738, and thereafter to the same office frequently in the rapid rotation of semi-annual elections in practice as a new house was organized in each of May and October. Otherwise his name appeared on the more important committees appointed by the General Assembly, and he was entrusted occasionally with particular missions, indicating a recognition by his associates of unusual ability. He was Chief Justice of the Superior Court of Judicature,

\*In the General Assembly. Hopkins was born in Providence.

1751-1755 and 1770-1776. Resigning as Chief Justice in May, 1755, to become Governor, in August he was reelected to succeed Francis Willett for the term expiring in May, 1756, thus for a time serving as Governor and Chief Justice. It should be noted that the General Assembly exercised supreme judicial functions, and that trial courts included the Governor and Assistants as judges in the early organization. The coincidence of Governor and Chief Justice in 1755-1756 marked merely a return to older practices temporarily. Stephen Hopkins was a good Rhode Islander always, but his activity in promoting the interests of Providence was noted by his contemporaries. He was associated intimately in many ways, including business enterprises, with the group of keen and influential men who were building up the commercial and industrial affairs of the northern town, and laying there a foundation for economic stability, wealth and culture eventually. Rivalry between Newport and Providence grew steadily more intensive as Newport watched the growth of the northern town. The rising political influence of the latter may be inferred from the construction of the brick Colony House in Providence at an expenditure of more than £15,000; and eventually, practically, a matching for Providence of every grant for the improvement of Newport, still claiming precedence as metropolitan town of the colony. Thus, in 1761, when two lotteries were authorized to pave streets in Newport, Providence had similar grants for equal amounts. Stephen Hopkins became the recognized leader for the northern section and Providence; Samuel Ward, freeman and resident of Westerly, but native son of Newport, entered the lists as champion for the latter. Eventually, the intense political rivalry of sections became an almost unseemly personal quarrel between Hopkins and Ward, with parties known by the names of the champions, as Ward party and Hopkins party. The Hopkins-Ward controversy involved a combination of sectional partisanship with a bitter personal vendetta, and a resort by both parties to the vituperative type of pamphleteering campaign that anticipated muckraking and lampooning by modern yellow newspapers.

William Greene, of Warwick, was elected as Governor in 1743 and 1744; for three years thereafter he alternated annually as Governor with Gideon Wanton of Newport; and was elected annually as Governor from 1748 to 1755. Though opposed by Newport at first, William Greene was accepted eventually by the Newport party as more friendly to the island town than to Providence. When, therefore, Stephen Hopkins became a candidate for Governor in 1754, Newport rallied to the support of Governor Greene and the latter was reelected. Stephen Hopkins and Martin Howard, Jr., attended the Albany Congress in June, 1754, and on their return reported to the General Assembly for favorable consideration Franklin's plan for a union of the colonies. Eventually Franklin's plan met favor neither in America nor in England; in Rhode Island the plan was opposed because of fear that confederation might involve surrender of the unique privileges enjoyed under the Charter. Because his political enemies persisted in identifying him with the Albany plan, represented by them as contrary to Rhode Island's welfare, Hopkins published "A True Representation of the Plan Formed at Albany," a pamphlet defending the project and himself as a citizen interested only in fulfilling his duty as he understood it. The Hopkins pamphlet was answered, but, in spite of vigorous opposition, Hopkins was elected as Governor in 1755 and again in 1756. Throughout his two years of service his enemies criticised almost his every official act, accusing him, among other things of having used and of using his position in the government to promote his own and his family's financial interests. He did, as an executive and as a member of the war committee of the period, disburse a great deal of money, and he was paid, according to the practice of the period, for some of his public service a commission upon the money passing through his hands. In anticipation of the election of 1757, Hopkins issued a pamphlet defending his administration; it was answered by Ward in a pamphlet charging Hopkins with unfitness for office. The Newport party was triumphant, and William Greene was elected as Governor in 1757, only to die in office, February 22, 1758, and to

be succeeded by Hopkins who was elected Governor in grand committee of the General Assembly on March 13, 1758, and annually thereafter by the people until May, 1762. Immediately after the publication of the Ward pamphlet Hopkins sued Ward for defamation, laying his damages at £20,000. The writ was returnable in Providence County in the Inferior Court of Common Pleas. Ward petitioned the General Assembly for a change of venue, alleging that Hopkins had "a great many relations and a very extensive influence" in the county, and that Ward imagined "upon that account that the trial would not be so impartial as it ought to be," and also that Ward had been "threatened with regard to his life." Hopkins avoided the action of the General Assembly staying trial pending a hearing on the petition for change of venue, by discontinuing the action, and starting another. In June, 1757, Hopkins and Ward appeared before the General Assembly and signed an agreement that Ward should go to Rehoboth on Thursday, June 23, and thus give Hopkins opportunity to arrest Ward there in an action to be sued out in the courts of Massachusetts. Hopkins appealed from a verdict for the defendant, in September, 1757, and eventually discontinued the suit in 1760. In the election of 1758, Hopkins defeated Ward for Governor by sixty-six plurality in a total vote of 3390; again in 1759 Hopkins defeated Ward by 351 plurality. Hopkins was reelected in 1760 and again in 1761, after Ward had rejected a proposal originating with Hopkins that both withdraw as candidates and end the public quarrel. In the following year, 1762, Hopkins rejected Ward's proposal that both retire, conditional upon an agreement to elect a Governor from Newport and a Deputy Governor from Providence. Again there was exchange of pamphlets, in which Ward renewed, restated and reiterated his charges against Hopkins that the latter was enriched through misuse of public office. Ward was elected as Governor in 1762, but defeated by Hopkins in 1763 by 271 plurality. On October 20, 1762, William Goddard began to print in Providence the "Providence Gazette and Country Journal," which was identified immediately as the newspaper of the Hopkins party.\* Stephen Hopkins was one of the earliest contributors to the columns of the "Gazette," and a frequent contributor during the period preceding the Revolution. The "Gazette" was the third Rhode Island newspaper. The first, the "Rhode Island Gazette," was published in Newport for six months in 1727 by James Franklin; it was a single page broadside measuring eight by twelve inches. The second Rhode Island newspaper was the "Newport Mercury," which was printed weekly and regularly except during the British occupation of the town, from June 12, 1758, under its own name until merged in 1928 with the "Newport Daily News."

The Ward party's administration in 1762 opened with a quarrel over counting proxies that occasioned widespread dissatisfaction, advantage of which was taken by the Hopkins party. The election laws were revised in 1762, and this action also contributed to Ward's rising unpopularity, which carried Hopkins back to office in 1763. Both Ward and Hopkins made overtures for peace in 1764, and each rejected the other's proposition. Ward proposed, as before, that both withdraw and that a Newport man be elected as Governor; Hopkins offered Ward nomination as Deputy Governor on a ticket to be headed by Hopkins as Governor. Hopkins won by 24 votes in 1764, but lost the election of 1765 by 200 votes. Ward was successful again in 1766. In 1765, the town of Providence, in spite of vigorous protest, was divided into two towns, one of which was named North Providence. Perhaps this was retribution for the division of Newport in 1743. The new town of Providence was much smaller in area than the present city. In ordering a colony tax in 1765 the statute of 1762 establishing an apportionment was ignored; Providence, Cumberland and Scituate refused to assess and collect the tax, and the General Assembly in 1766 threatened suit against the town treasurers in each instance. Thus the stage was prepared for the political battle of 1767, which Hopkins won with a plurality of 414. In this election, Hopkins received every vote cast in Providence; in Newport Ward received three votes for every one cast for

\*The newspaper was discontinued May 11, 1765, for want of financial support, but revived August 9, 1766, with Sarah Goddard as publisher.

Hopkins. Before the election of 1768, an agreement was reached that both Hopkins and Ward should withdraw altogether from the contest for Governor, and that a union ticket should be nominated by both parties. Josias Lyndon of Newport, was elected as Governor, and Nicholas Cooke of Providence, as Deputy Governor. Stephen Hopkins and Samuel Ward were Rhode Island's representatives in the Continental Congress, 1774-1776, until the death of Samuel Ward. In the events leading up to the Revolution both were staunch patriots; the agreement for peace that ended the long controversy between them was reached in view of the necessity for harmony within the colony in view of danger threatening from without.

The controversy between Stephen Hopkins and Samuel Ward has been interpreted variously, aside from the clear implications of sectionalism, rival towns and intense personal animosity, aroused in the first instance by the nature of the original charges against Hopkins and the resentment that they stirred. Thus a writer in the "Newport Mercury," not a contemporary, however, styled Ward "the candidate of the aristocracy, at the head of which stood Newport; Hopkins was as warmly supported by the democracy, at the head of which stood the town of Providence." The writer continued: "During all this time party virulence had been increasing until one general hostility pervaded the whole colony, which raged between the friends and supporters of the two candidates. It appears to have been a question about men, more than measures. Between the mercantile and the farming interests, between the aristocracy of wealth and magnificence, and the democracy of numbers, the colony was torn by domestic discord; town against town, and neighborhood against neighborhood; and almost every freeman was enlisted in one or the other ranks, and felt toward each other that hostility which abated even the charities and hospitalities of life." That the writer in the "Mercury" had drawn upon his imagination appears in what little remains of details of balloting for Governor. The division was north and south rather than between merchant and farmer. Hopkins was supported by the merchants *and* farmers of the north; Ward, by the merchants *and* farmers of the south. The small pluralities given the successful candidates in the elections of the period rebut the suggestion of a conflict between "an aristocracy of wealth and magnificence," which means always a small number, "and the democracy of numbers." As a matter of fact, the group of men allied with Stephen Hopkins in Providence, in business and in politics, included some who were building princely fortunes. The aristocracy of wealth was shifting to Providence. Hopkins almost invariably carried the northern towns, and Ward the southern towns. Moreover, the vote for Governor was not indirectly by towns or town representatives in such manner as to overcome the weight of popular voting by gerrymandering; it was a direct vote by the freemen, and the classification by towns contains the evidence whereby to prove the eminence of sectionalism.

**ELECTION LAWS**—The governmental organization in the second half of the eighteenth century indicated changes brought about because of increase in population and of the experience gained in practice. Beginning with provisions for the election of general officers, regulations were made to guard against evil practices. Freemen were forbidden to vote elsewhere than in the town of residence after 1743, and later provision was made for change of residence from town to town without loss of freemanship and the necessity for beginning anew the procedure for acquiring it. In 1760, electors, except members of the General Assembly, were required to vote by proxy. The act of 1760 recited that it had been "found, by long experience that the freemen going to Newport to put their votes in for general officers at the election is very injurious to the interest and public weal of the colony, and occasions a great loss of the people's time at a season of the year when their labor is abundantly necessary for preparing the ground and planting the seed, on which the produce of the whole summer must depend"; and that "all the ends of voting for general officers may be as fully attained by the freemen's putting in their proxy votes at the town meeting in their own towns,

appointed by law for that purpose, agreeably to the ancient and laudable custom of most of the prudent freemen." The annual election was set for the third Wednesday in April next preceding the general election "agreeably to the law and the well known custom of proxying." Bribery and corruption in elections were penalized, and electors and officers were required to take oath or affirmation to the effect that bribes had been neither offered nor accepted; the records of the General Assembly mention the ceremony of administering the oath and affirmation in 1746 and thereafter. A committee was appointed to revise and consolidate the election laws in 1762. The election law of that year regulated the admission of freemen, and the conduct of elections. Persons who gave or received a deed of real estate for the purpose only of qualifying as freemen were liable to disfranchisement. Particular safeguards against illegal voting were prescribed for proxy voting in town election meetings. The General Assembly was required to meet in grand committee to elect freemen and to elect officers, and not permitted to act in separate houses. The election functions of the General Assembly had increased steadily as the number of officers, including justices of courts and military officers, steadily increased. The admission of freemen necessitated a meeting of the Assembly at Newport in anticipation of general election day, until this item of business loomed so large that the matter was reduced to a system of certifying lists of town freemen with their property holdings. The election meeting itself consumed so much time that the General Assembly adjourned immediately after completing the election business, to meet in June. Assembly sessions were frequent; thus, in 1757, for example, the General Assembly met in sessions opening on January 10, January 26, and March 14 at Providence; on the first Wednesday in May, on June 13, on August 10 and September 19, at Newport; and on the last Wednesday in October at South Kingstown. Resort to fines as penalties for non-attendance was necessary in some instances to assure the quorum required for legal business. With the increase in the number of towns, the old process of proclaiming new laws by sending hand-written copies to town clerks gave way to printed schedules, made possible and practicable by the setting up of a printing press at Newport. Occasionally, in the instances of laws of an emergency nature to be put into effect at once, recourse was had to proclamation by roll of the drums and public reading. With the advent of William Goddard and his printing press at Providence, the General Assembly requested the Newport and Providence printers to submit bids for the colony printing in 1763.

While the General Assembly exercised judicial functions, the drastic penalties imposed upon persons who criticised it might be interpreted as of the nature of measures taken by modern courts of justice to punish contempt. The Rhode Island General Assembly continued the practice after it had erected separate courts. Thus, in 1753, John Martin was sentenced to solitary confinement; in 1754, Gideon Wanton was remanded for trial to one of the colony courts; in 1756, Samuel Thayer was jailed; and in 1757 John Wheaton was ordered arrested, all for abusing the General Assembly. The Governor and Deputy Governor and Assistants were established as a Superior Court of Judicature in 1729; after February, 1746-1747, the court consisted of a Chief Justice and four Associate Justices elected annually by the General Assembly. To the court thus erected the General Assembly delegated the major part of its judicial functions, and thus relieved itself of a burdensome and distracting schedule of business. But the courts were scarcely independent while the General Assembly retained the power to elect justices annually, and reserved the jurisdiction of regulating procedure occasionally. Jurors for trial courts were furnished by quotas apportioned to the towns; the creation of new towns necessitated a reappointment of the quotas. Until 1742, jurors were elected by towns; thereafter the names of jurors were drawn from a box. The number of freemen claiming exemption from jury duty became so great as to suggest in 1752 a statute limiting exemption to a list of colony officers; Newport firemen continued to be exempt.

**OTHER CHANGES**—The development of town life was indicated by the provision for paving streets in Newport and Providence. The division of Newport into two towns, setting off Middletown, was partly a separation of an open-country farming section from a compact town. The separation of North Providence from Providence proceeded somewhat on similar lines. Newport had advanced to lighting some of the town streets in 1751; in that year a statute established a penalty for breaking street lights, public or private. Newport had an organized call fire department by 1750, and had ordered a fire engine. Four years later Providence had a fire department, with a requirement that every householder should provide two leather buckets, and provision for buying a fire engine. The new style calendar, called Gregorian for Pope Gregory, was introduced in England and throughout the colonies in 1752. It placed New Year's at January 1, instead of in March, and necessitated the dropping of eleven calendar days, the variation from the Julian calendar accumulating because of the error in calculating the length of the solar year. The essential change consisted in dropping the century year as leap year. September, 1752, was a month of only nineteen days; there was no disturbance in Rhode Island, although the chronicles of the period report disturbances amounting almost to rioting in some parts of England by people who asserted that Parliament was shortening their lives by legislation, or who feared the Gregorian calendar as Popish. There was a savor of Puritanism in an act "to prevent stage plays and other theatrical entertainments within this colony," passed in August, 1762. The preamble follows: "For preventing and avoiding the many mischiefs which arise from public stage plays, interludes, and other theatrical entertainments, which not only occasion great and unnecessary expenses, and discourage industry and frugality, but likewise tend generally to increase immorality, impiety and contempt of religion." The act forbade the letting of "any house, room or place whatsoever." The act also referred to a petition originating in Providence and reciting "that a number of stage players have lately appeared\* and a playhouse hath lately been built in said town of Providence," and that the town meeting did "pass a vote that no stage plays be acted in said town, yet the actors thereof, in defiance of said vote, and in defiance of the public authority of said town, have been and are now daily continuing to exhibit stage plays and other theatrical performances." The act of the General Assembly was ordered proclaimed "by beat of the drum through the streets of the compact part of the said town of Providence."

While the colonial period ended chronologically on May 4, 1776, when Rhode Island declared independence, the impending Revolution and the nature of relations with the mother country changed so radically at the end of the French and Indian War as to suggest that as probably a more accurate time for closing a chapter dealing with Rhode Island as a rising colonial commonwealth. Very fortunately a splendid résumé of economic and political conditions has been preserved in the "Remonstrance of the Colony of Rhode Island to the Lords Commissioners of Trade and Plantations" adopted in General Assembly on January 24, 1764, at South Kingstown, extracts from which follow:

The colony of Rhode Island includes not a much larger extent of territory than about thirty miles square; and of this a great part is a barren soil not worth the expense of cultivation; the number of souls in it amount to 48,000, of which the two seaport towns of Newport and Providence contain nearly one-third. The colony hath no staple commodity for exportation, and does not raise provisions sufficient for its own consumption; yet, the goodness of its harbors, and its convenient situation for trade, agreeing with the spirit and industry of the people, hath in some measure supplied the deficiency of its natural produce and provided the means of subsistence to its inhabitants.

By a moderate calculation the quantity of British manufactures and other goods of every kind imported from Great Britain, and annually consumed in this colony, amount at least to £120,000 sterling, part of which is imported directly into the colony; but as remittances are more easily made to the neighboring provinces of the Massachusetts Bay, Pennsylvania and New York than to Great Britain, a considerable part

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\*A troupe of players had been well received in Newport a short time earlier.

is purchased from them. This sum of £120,000 sterling may be considered as a debt due from the colony, the payment of which is the great object of every branch of commerce, carried on by its inhabitants, and exercises the skill and invention of every trader. The only articles produced in the colony suitable for remittance to Europe consist of some flaxseed and oil, and some few ships built for sale; the whole amounting to about £5,000 sterling per annum. The other articles furnished by the colony for exportation are some lumber, cheese and horses; the whole amount of all which together bears but a very inconsiderable proportion of the debt contracted for British goods. It can, therefore, be nothing but commerce which enables us to pay it. As there is no commodity raised in the colony suitable for the European market but the few articles aforementioned; and as the other goods raised for exportation will answer at no other market but in the West Indies, it necessarily follows that the trade thither must be the foundation of all our commerce; and it is undoubtedly true that solely from the prosecution of this trade with the other branches that are pursued in consequence of it, arises the ability to pay for such quantities of British goods.

It appears from the custom house books in Newport that from January, 1763, to January, 1764, there were 184 sail of vessels bound on foreign voyages, that is, to Europe, Africa and the West Indies; and 352 sail of vessels employed in the coasting trade, that is, between Georgia and Newfoundland, inclusive, which, with the fishing vessels, are navigated by at least 2200 seamen.\* Of these foreign vessels about 150 are annually employed in the West India trade, which import into this colony annually about 14,000 hogsheads of molasses, whereof, a quantity not exceeding 2500 hogsheads come from all the English islands together. It is this quantity of molasses which serves as the engine in the hands of the merchant to effect the great purpose of paying for British manufacture; for part of it is exported to the Massachusetts Bay, to New York and Pennsylvania, to pay for British goods, for provisions and for many articles which compose our West India cargoes; and part to the other colonies, southward of these last mentioned, for such commodities as serve for a remittance immediately to Europe, such as rice, naval stores, etc., or such as are necessary to enable us to carry on our commerce; the remainder (besides what is consumed by the inhabitants) is distilled into rum and exported to the coast of Africa; nor will this trade to Africa appear to be of little consequence, if the following account of it be considered.

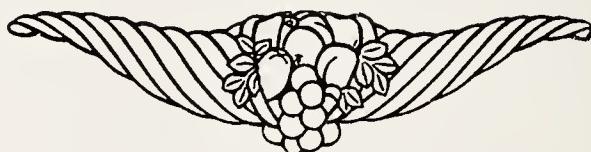
Formerly the negroes upon the coast were supplied with large quantities of French brandies; but in the year 1723 some merchants from this colony first introduced the use of rum there, which, from small beginnings, soon increased to the consumption of several thousand hogsheads yearly; by which the French are deprived of the sale of an equal amount of brandy. . . . This little colony, only, for more than thirty years past, have annually sent about eighteen sail of vessels to the coast, which have carried about 1800 hogsheads of rum, together with a small quantity of provisions and some other articles, which have been sold for slaves, gold dust, elephants' teeth, camwood, etc. The slaves have been sold in the English islands, in Carolina and Virginia, for bills of exchange, and the other articles have been sent to Europe; and by this trade alone, remittances have been made from this colony to Great Britain to the value of about £40,000 yearly. . . . The remonstrance continued with a discussion of the necessity for retaining the trade with the West India islands.

This colony, by the misfortunes it suffered in trade during the late war, but above all by the great expenses they were at . . . is greatly reduced in its circumstances, and now actually labors under a debt, contracted solely by carrying on the war, of near £70,000 sterling, for which it annually pays a large interest. . . . There are upwards of thirty distil houses (erected at a vast expense; the principal materials of which are imported from Great Britain) constantly employed in making rum from molasses. This distillery is the main hinge upon which the trade of the colony turns, and many persons depend immediately upon it for a subsistence. These distil houses, for want of molasses, must be shut up, to the ruin of many families, and of our trade in general. . . . Two-thirds of our vessels will become useless and perish upon our hands; our mechanics and those who depend upon the merchant for employment, must seek for subsistence elsewhere.

The remonstrance was argumentative and the economic information in it was marshalled to support the plea for abating English legislation that would interfere with the molasses and sugar trade. Yet the essential facts, as facts apart from their setting in the argument, were impressive. Rhode Island had developed the resources of Narragansett Bay and its harbors, and had constructed a colonial commonwealth resting upon commerce, because the soil of the colony promised little that might be made to yield an abundant prosperity either through agri-

\*A relief fund for poor sailors, maintained by assessments, was established in 1730. The Fellowship Club, a fraternal, beneficial association for ship officers, was established in 1754.

culture or mining. Out of the search for favorable carrying trade had developed a three-profit voyage—to Africa with rum to be exchanged for slaves; to the West Indies with slaves to be exchanged for molasses; home to Rhode Island with molasses to be manufactured into rum. Rum, slaves and molasses—these three had helped to build a commonwealth. Around the distillery of rum had grown up other industries, including the making of casks and barrels. The shipyards were busy with the building of vessels to maintain the fleets engaged in foreign commerce, in coastwise commerce, and in the fishery. The ships carried 2200 seamen; the allied industries must have given employment to thousands of others. The leading men of the colonies were able, educated and cultured. One who reads the correspondence of colonial officers in the eighteenth century, particularly in comparison with the letters of earlier officers, cannot fail to be impressed by the progress achieved, and by the conciseness and accuracy of expression, and clearness and directness of style that marked the later period. Newport had already experienced its golden age before the Revolution. Each of Newport and Providence had its library of well-selected literature, and each supported a weekly newspaper. Rhode Island College, later to be known internationally as Brown University, was chartered in 1764 with an impressive list of distinguished citizens of Rhode Island as incorporators. There were still two principal classes of men in Rhode Island—farmers and sailors. The farmers were rugged, resourceful and independent men who had conquered an almost hostile soil and made it produce. The sailors were rugged, resourceful and independent men who had mastered the sea and made it bosom argosies laden with the wealth of Africa and West India. These were the men who fashioned a colonial commonwealth, conceived in democracy; these were the men who would defend democracy and save it for mankind.



## CHAPTER XI. THE IMPENDING REVOLUTION.



HE ink with which the Treaty of Paris had been signed had scarcely been sanded ere that discord appeared between England and her American colonies that had been foreseen by French and other statesmen of the period. Joseph Sherwood, Rhode Island's agent in England, under date of August 4, 1763, suggested England's purpose to impose the maintenance of a standing army upon the colonies, writing: "It is rumored here, and I believe upon good foundation, that the government will expect a number of troops (some say 10,000) to be kept on foot and at the sole expense of the American provinces, for their own preservation and safeguard, in order to prevent encroachments and hostilities." The Lords Commissioners of Trade and Plantations, in October, complained that the revenue failed to defray a fourth part of the expense of collecting it, and commanded "suppression of the clandestine and prohibited trade with foreign nations." The customs service was strengthened by the appointment of new and also additional officers. For these the General Assembly established a table of fees in October. Admiral Colvill, commanding his majesty's fleet, stationed the "Squirrel," ship, in Newport harbor "for the encouragement of fair trade by the prevention of smuggling." The General Assembly on January 24, 1764, directed Governor Hopkins to send to England, addressed to Sherwood, copies of a remonstrance\* against renewal of the sugar act, which had expired by limitation at the end of thirty years. The remonstrance, drafted by Governor Hopkins, reviewed the economic situation of the colony, and undertook to prove that a free trade in sugar would be advantageous to Rhode Island by maintaining a profitable trade, and to England as a prosperous Rhode Island would become a better market for English goods, and if harmful to anybody, harmful only to the French, by reason of losing the brandy trade in Africa. Parliament revived the sugar act, but reduced the duty from sixpence to threepence. Imposts on other articles, including coffee, wines, and spice, were ordered. Export of iron and lumber except to England was forbidden.

The legislation of 1764 included also an announcement of the stamp act, which required the placing of a revenue stamp upon every piece of vellum, parchment and paper used for commercial and legal purposes, including court processes; upon playing cards, dice, newspapers, pamphlets, advertisements, almanacs, calendars, apprenticeship agreements, and documents in any language other than English. The preamble declared the purpose of the stamp act to be "the raising of a revenue for defraying the expenses of defending, protecting and securing his majesty's dominions in America." The stamp act was not to be put into effect immediately; an opportunity was to be given for Americans to choose another form of taxation. The *form* of taxation was of much less importance to them than the *fact* of taxation. Stamp taxes have become familiar in America as devices for raising revenue. America in 1764 was opposed to any taxation by England, and the stamp act immediately aroused a storm of protest in America. America interpreted the tax policy as a device for transferring to America part of the burden of an English national debt that had been accumulated principally through European wars. The spoils of conquest, the territory acquired from France and Spain under the Treaty of Paris, alone should compensate England for war expenditures in America. The Earl of Halifax, in August, 1764, requested the Governor to transmit without delay "a list of all instruments made use of in public transactions, law proceedings, grants, conveyances, securities of land or money within your government."

\*Chapter X.

The General Assembly, in July, appointed Governor Hopkins, Daniel Jencks and Nicholas Brown a "committee of correspondence" to "confer and consult with any committee or committees that are or shall be appointed by any of the British colonies upon the continent of North America, and to agree with them upon such measures as shall appear to them necessary and proper to procure a repeal of the . . . sugar act . . . and also the act . . . for levying several duties in the colony, or in procuring the duties in the last mentioned act to be lessened; also to prevent the levying a stamp duty upon the North American colonies . . . and, generally, for the prevention of all such taxes, duties or impositions that may be proposed to be assessed upon the colonists which may be inconsistent with their rights and privileges as British subjects." In October, Governor Hopkins, Nicholas Tillinghast, Joseph Lippitt, Joshua Babcock, Daniel Jencks, John Cole and Nicholas Brown were appointed a committee "to prepare an address to his majesty for a redress of our grievances in respect to the duties, impositions, *etc.*, already laid and proposed to be laid on this colony." Rumor that a petition had been sent to England praying "his majesty to vacate the Charter of this colony," resulted in a resolution that the colony agent in London be instructed "to use his utmost effort to prevent the evil intended by the said petitioners; and also, as soon as possible, to transmit a copy of the said petition, with the names of the subscribers, to the Governor and Company of this colony." The agent reported later that the petition, if sent to England, had not been presented.

"RIGHTS OF COLONIES EXAMINED"—Governor Hopkins in a message to the Assembly at the opening of the November session, said: "The burdens put on the trade of the northern colonies by a late act of Parliament are already severely felt; the stamp duties intended to be laid upon them will be a still heavier burden; and the plan formed by the British ministry to raise as much money in America as hath been expended for its defense, must complete our ruin. To all this let me add the information I have received that a petition is already sent to England by a considerable number of the inhabitants of this colony, full of complaints against it, praying that our Charter may be taken away and a new form of government introduced. These are certainly matters of the utmost importance to your constituents; and as such will, I hope, be seriously considered by you; every remedy that is possible properly applied and, should slavery become the portion of the unhappy people, let no part of their misfortune be chargeable on any neglect or inattention of their representatives." Governor Hopkins in his final plea, beginning "should slavery become the portion of the unhappy people," had struck once more the note sounded by Governor Cranston in the address in which he was accused by Bellemont of insinuating that his majesty's government was "little better than bondage and slavery." The General Assembly adopted the address to his majesty prepared by its committee, and also requested Governor Hopkins "to correct the piece lying before this Assembly entitled 'The Rights of Colonies Examined,'" and directed a committee "to view the said performance after it shall be completed" and "if they shall approve the same," to send two fair copies to the colony agent "to be by him but in print, and to make use of the same in conjunction with the other agents, as they shall think will be most for the advantage of the colonies." The address to the King, written by Governor Hopkins and his associates, was dignified and respectful, but lacked altogether the fawning attitude assumed in communications to his majesty earlier than 1750. It asserted a contract as the basis for the relations between the colonists and the King, thus: "Before their departure, the terms they removed upon, and the relation they should stand in to the mother country, in their emigrant state, were settled. They were to remain subject to the King, and dependent on the kingdom of England; in return, they were to receive protection, and enjoy all the privileges of freeborn Englishmen." The address complained to the King that "the restraints and burdens laid on the trade of these colonies by a late act of Parliament are such, as if continued, must ruin it," and instanced the



HOPE STREET, BRISTOL



MAIN STREET, LOOKING SOUTH, WARREN



sugar act as a measure that would destroy utterly the most important commerce of Rhode Island. Furthermore, "the extensive powers given by the same act to the courts of vice-admiralty in America have a tendency in a great measure to deprive the colonies of that darling privilege, trials by juries, the unalienable birthright of every Englishman." The stamp act was characterized as tending "to deprive us of our just and long enjoyed rights. We have hitherto possessed, as we thought, according to right, equal freedom with your majesty's subjects in Britain, whose essential privilege it is to be governed only by laws to which themselves have some way consented, and not to be compelled to part with their property but as it is called for by authority of such laws." The address predicted that the withdrawal of money by taxation would "totally deprive" the people "of the means of paying their debts to, and continuing their trade with, Great Britain, and leave the people here poor and miserable." "Our ancestors," the address continued, "being loyal and dutiful subjects, removed and planted here under a royal promise, that, observing and fulfilling the conditions enjoined them, they and their children after them forever, should hold and enjoy equal rights, privileges and immunities with their fellow subjects in Britain. These conditions have been faithfully kept by this colony. We do, therefore, most humbly beseech your majesty that our freedom and all our just rights may be continued to us inviolate." The final prediction, "whatever may be determined concerning them, the Governor and Company of Rhode Island will ever unalterably remain your majesty's most loyal, most dutiful and most obedient subjects" was destined not to be fulfilled literally. Twelve years later, Stephen Hopkins and his associates were as staunch and daring rebels as they had been "dutiful and most obedient subjects" in 1764. The address was significant, however, because it stated concisely exactly the issues involved in the Revolution, restated in the Rhode Island Declaration of Independence of May 4, 1776, and the American Declaration of Independence of July 4, 1776, that is to say, a relation between colony and King resting upon contract, and a violation of the contract by the King and his ministers.

"The Rights of Colonies Examined" was a finely reasoned exposition of the situation confronting the colonies and the government of England, the appeal of a free and liberty-loving people against the curtailment of their liberties and the inauguration of a tyranny. The theme was epic and the treatment was masterful; the logic was reinforced by citation of historic episodes. "Liberty is the greatest blessing that men enjoy, and slavery the heaviest curse that human nature is capable of"—this opening sentence struck the keynote.

The British constitution, "the best that ever existed among men, will be confessed by all to be founded on compact, and established by consent of the people. By this most beneficial compact British subjects are to be governed only agreeably to laws to which themselves have some way consented; and are not to be compelled to part with their property but as it is called for by the authority of such laws. The former is truly liberty; the latter is truly to be possessed of property, and to have something that may be called one's own. On the contrary, those who are governed at the will of another, or of others, and whose property may be taken from them by taxes, or otherwise, without their consent, and against their will, are in the miserable condition of slaves." Passing immediately to a consideration of the question, "whether the British American colonies on the continent are justly entitled to like privileges and freedom as their fellow subjects in Great Britain," Hopkins cited, first, the emigration from England under charters granted by King Charles I as establishing these privileges and freedom by contract; secondly, abundantly from the history of colonies, Greek, Roman, French and Spanish, to prove that colonials universally had "equal liberty and freedom with their fellow subjects" in the mother country; thirdly, the British practice theretofore of treating the "colonies as possessed of these rights" and "as their dependent, though free, condition required." After 150 years "the scene seems to be unhappily changing. The British ministry, whether induced by a jealousy of the colonies, by false information, or by some alteration in

the system of political government, we have no information; whatever hath been the motive, this we are sure of, the Parliament in their last session, passed an act limiting, restricting and burdening the trade of these colonies much more than had ever been done before; as also for greatly enlarging the power and jurisdiction of the courts of admiralty in the colonies; and also a resolution that it might be necessary to establish stamp duties, and other internal taxes, to be collected with them." Hopkins conceded that "there are many things of a more general nature, quite out of reach of" the colonial "legislatures, which it is necessary should be regulated, ordered and governed. One of this kind is the commerce of the whole British empire, taken collectively, and that of each kingdom and colony in it, as it makes a part of the whole," and that "the Parliament of Great Britain, that grand and august legislative body, must, from the nature of their authority, and the necessity of the thing, be justly vested with this power." He waived the question of colonial representation in Parliament, as possibly not "consistent with their distant and dependent state" or not "to their advantage," and asserted that the colonies "ought in justice, and for the very evident good of the whole commonwealth, to have notice of every new measure about to be pursued, and new act that is about to be passed, by which their rights, liberties or interests will be affected; they ought to have such notice, that they may appear and be heard by their agents, by counsel, or written representation, or by some other equitable and efficient way. . . . Had the colonies been fully heard before the late act had been passed, no reasonable man can suppose it ever would have passed at all; for what good reason can possibly be given for making a law to cramp the trade and ruin the interests of many of the colonies, and at the same time, lessen in a prodigious manner the consumption of the British manufactures in them?" Hopkins then undertook to prove that the enforcement of the sugar act would destroy Rhode Island's most profitable commerce and industry; that the restriction of export of lumber to England only would destroy the profit of exporting flax-seed to Ireland; that the new jurisdiction conferred upon admiralty courts could be applied in such manner as to destroy shipping practically by confiscation, which might follow proof of "only probable cause"; and that the stamp act inaugurated a system of "internal taxation" that violated first principles. Rebutting the assumption that members of Parliament as "men of the highest character for their wisdom, justice and integrity" could not "be supposed to deal hardly, unjustly or unequally by any," Hopkins replied that "one who is bound to obey the will of another is as really a slave though he may have a good master as if he had a bad one," and that the pressure upon members of Parliament, who "must obtain the votes of the people," would induce them to make a virtue of transferring so much of the burden of taxation as possible from England to America. He then asserted that "the richest and surest treasure of the prince was the love of his subjects." "We are not insensible," he wrote, "that when liberty is in danger, the liberty of complaining is dangerous. . . . Is the defence of liberty become so contemptible and pleading for just rights so dangerous?" Hopkins reached up to the essential issue in the question, "And can it possibly be shown that the people in Britain have a sovereign authority over their fellow subjects in America?" The answer to this question was then and is now that the British Parliament had no more right to enact as law a statute that would operate in Rhode Island than the Rhode Island General Assembly had to enact as law a statute that would operate in England. On this principle of independence within the empire rests the organization of the British dominions in the present century, including as it does colonial republics bound to the mother country by ties of amity and comity resting upon mutual recognition of right. Canada is rightly called "daughter" in the imperial household but "mistress" at home. Hopkins reached the correct answer: "In an imperial state, which consists of many separate governments, each of which hath peculiar privileges," wrote Hopkins, "and of which kind it is evident the empire of Great Britain is; no single part, though greater than any other part, is by that superiority entitled to make laws for, or to tax such lesser part,

but all laws, and all taxations, which bind the whole, must be made by the whole. . . . Indeed, it must be absurd to suppose that the common people of Great Britain have a sovereign and absolute authority over their fellow subjects in America, or even any sort of power whatsoever over them; but it will be still more absurd to suppose they can give a power to their representatives which they have not themselves. If the House of Commons do not receive this authority from their constituents, it will be difficult to tell by what means they obtained it, except it be vested in them by mere superiority and power." Hopkins then rebutted the assumption that England had engaged in any war solely to defend her American colonies, citing failure to defend them, the return of Louisburg to the French after its reduction by the colonials, and the pressure on the colonies to make war in America to sustain England's wars in Europe. He asserted that the colonies "at all times when called upon by the crown raised money for the public service," and did it "cheerfully as the Parliament have done on like occasions"; and that the colonies would be drained of money by the new system of taxation and thus ruined. The American colonists "have as little inclination as they have ability to throw off dependency; have carefully avoided every offensive measure and every interdicted manufacture; have risked their lives as they have been ordered, and furnished their money as it has been called for; have never been troublesome or expensive to the mother country; have kept due order and supported a regular government; have maintained peace and practiced Christianity; and in all conditions, and in every relation, have demeaned themselves as loyal, as dutiful, and as faithful subjects ought; and that no kingdom or state hath, or ever had, colonies more quiet, more obedient, or more profitable, than these have been." Only "a long train of abuses and usurpations," of which the legislation of 1763-1764 was the beginning, could drive such a people to rebellion. "The Rights of Colonies Examined" was exactly the logical exposition of a thesis that would appeal to thoughtful men.

AFFAIR OF THE "ST. JOHN" AND THE "SQUIRREL"—Meanwhile stirring events had been taking place in Narragansett Bay. Early in June, 1764, Admiral Colvill sent four armed vessels "to spread themselves in the principal harbors between Casco Bay and Cape Henlopen, in order to raise men." Lieutenant Hill, commanding the "St. John," schooner, reported "very little success, the merchants having, to all appearances, entered into a combination to distress us, as far as they are able, and by threats and promises, to prevent seamen from entering for those vessels." Lieutenant Hill reported also "the behavior of the people of Rhode Island . . . extremely insolent and unprecedented." From the Lieutenant's narrative it appeared that while the "St. John" was lying at anchor at Newport on June 30, news was received that a brig was unloading in a creek near Howland's Ferry. The vessel had unloaded her cargo and sailed before Lieutenant Hill reached Howland's Ferry. The cargo consisted of ninety-three hogsheads of sugar. Lieutenant Hill sent an armed boat in pursuit of the brig, which was captured and proved to be the "Basto" of New York, Wingate, master, from Monti Christo. The Lieutenant loaded the sugar, which he had seized, on board the brig; thereupon the owner of the vessel, fearing that the latter might be taken to Halifax for trial in the admiralty court, had Lieutenant Hill arrested and compelled him to give bail to take the "Basto" into Newport for trial there. On July 4 the Newport collector of customs seized the brig and cargo again, alleging that the first seizure had been irregular because Lieutenant Hill had not qualified by taking the oath of office. Lieutenant Hill was in Boston on July 9, when further events occurred, of which a relation by British officers is the only report that has been preserved.

As to the causes for the commotion in Newport in July there was disagreement. The "St. John" was on a mission to raise seamen, and probably was resorting to impressment, which was a practice approved by the British navy at the time, and one of the issues involved later in

the War of 1812. That, besides the episode of interfering with the brig "Basto," would make the vessel unpopular in Newport. One British officer reported that trouble started when a British boat crew attempted to arrest Thomas Moss, alleged to have been a deserter;\* another officer reported that the Newporters had demanded surrender of three of the crew of the "St. John," who were accused of stealing. With that exception the narratives were essentially similar and corroborative.

"On Monday, the 9th of July, 1764, at two o'clock in the afternoon, sent the boat, manned and armed, on shore to bring off Thomas Moss, a deserter, who had left the vessel some days before, and was then on the wharf; a large mob assembled and rescued him; and seeing our people in great danger, we fired a swivel, unshotted, as signal for the boat to come on board. The mob took Mr. Doyle, the officer of the boat, prisoner, and wounded most of the boat's crew with stones, which fell as thick as hail round and in the boat; and they threatened to sacrifice Mr. Doyle if the pilot was not immediately sent on shore and delivered up to their mercy; they even threatened to haul the schooner on shore and burn her. At five we sent the boat on board the 'Squirrel' to acquaint the commanding officer of our situation. In the meantime the mob filled a sloop full of men, and bore right down on board us; but, seeing us determined to defend the vessel, they thought proper to sheer off and go on shore again. At six the boat returned from the 'Squirrel' with orders to get under way and anchor close under her stern. The mob growing more and more tumultuous we fired a swivel and made a signal to the 'Squirrel' for assistance, and got under sail. As soon as the mob saw our design they sent a sloop and two or three boats full of men to the battery on Goat Island, and began to fire on us, notwithstanding the Lieutenant of the 'Squirrel' went on shore and forbade the gunner to do any such thing. They even knocked him down, and it was with much difficulty that he got from them; they fired eight shot at us, one of which went through our mainsail whilst we were turning out. At eight we anchored in ten fathom of water within half a cable's length of the 'Squirrel,' and received one shot more from the battery, which went close under the 'Squirrel's' stern. They threatened to sink us if we did not immediately weigh and run into the harbor again; but on the 'Squirrel's' getting a spring upon its cable and bringing her broadside to bear upon the battery, they left off. At eleven next morning they set Mr. Doyle at liberty."

An officer on the "Squirrel" reported that soon after the scuffle at the landing place "several gentlemen came on board and said they came to represent the occasion of the disturbance, lest the officer of the schooner should have made a misrepresentation of the affair. They said there was a theft committed by three of the schooner's people; that a peace officer went off, and they had refused him admittance; and they now imagined he would return with an armed force, to gain admittance. I told the gentlemen the offenders should be sent on shore. The signal was then made by the schooner pursuant to my former directions. I immediately sent a boat and a petty officer to order her out of the harbor; on which the gentlemen told me they would fire on her from the fort. I then told the officer if they fired from the fort, to go on shore to the fort, and let them know it was my orders for her to move and anchor near us; and that the men should be delivered to justice; and if he fired again, I should be obliged to return it. They still continued their fire. I then ordered a spring in our cable, and went ashore to the fort to let them know the consequences of their behavior. I found no other officer than the gunner, governed by a tumultuous mob, who said they had orders to fire, and they would fire. They used me with great insolence, and knocked me down, and would have detained me. I then returned to the boat, ordered the ship to prepare for action, and proceeded on board the schooner, and brought her to anchor near the ship; they then ceased firing. I then went on shore to demand justice of the Deputy Governor for the treatment I had received at the fort.

\*Desertion was the charge usually made the pretext for impressment.

He replied I must pursue the law. I told him I would redress myself, if they were to be found, as he seemed not active to do me justice. I then returned to take the people off who had insulted me, but could not find them."

Captain Smith of the "Squirrel" reported that the gunner at the fort "produced an order for stopping the vessel signed by two of the council, the Deputy Governor being absent at that time. I, in company with my Lieutenant, waited on the Governor and council to demand a proper acknowledgment for the insult they had committed. . . . I found them a set of very ignorant council. They agreed that the gunner had acted by authority, and that they would answer for it when they thought it necessary. It appears to me that they were guided by the mob, whose intentions were to murder the pilot and destroy the vessel. I am very sorry they ceased firing before we had convinced them of their error. But I hope it will . . . be the means of a change of government in this licentious republic."

However exaggerated, possibly, the narratives were, there was no doubt that the King's colors had been fired upon, and that British naval officers were not popular in Newport. Admiral Colvill reported the matter to England, and the English government issued an order to the Governor and Company of Rhode Island to return "with all possible dispatch an exact and punctual account of the whole proceeding, authenticated in the best manner the case will admit of; together with the names and descriptions of the offenders, and what means were used at the time of the tumult by the government and magistracy of that colony for the suppression thereof, and the protection of his majesty's vessels and their crews; particularly whether anything and what was done by the government of said colony when the populace possessed themselves of the battery upon Goat Island; and what measures had been since taken to discover and bring to justice the offenders." Governor Ward had succeeded Governor Hopkins by the time, June, 1765, the inquiry reached America. He replied that "as I was out of the administration last year and was out of town when the affair happened, it will require more time for me to acquaint myself with and prepare a statement of the case properly authenticated than if I had been present at the time of the transaction." He promised to lay the letter from England before the General Assembly at the September session, 1765, and did. There were changes of officers in England also, and the affair of the "St. John" and the "Squirrel" was lost sight of in a series of events of greater immediate significance in England and America, also. The General Assembly's resolution in September, 1765, that the Governor "issue a proclamation for apprehending the rioters, and commanding all persons to apprehend and bring them to justice, and to prevent any such riots for the future," referred to other disturbances as well as the firing on H. M. S. "St. John."

**THE "MAIDSTONE" AFFAIR**—H. M. S. "Maidstone" replaced the "Squirrel" in Rhode Island waters in 1765, combining enforcement of the revenue laws with impressment of seamen. For both purposes all vessels, even fishing smacks and small sloops carrying firewood to the town of Newport, were visited and searched. Impressment excepted for a time only Newporters, lest too great offence be given to the latter, on whom the "Maidstone" was dependent somewhat for supplies of food and water. Interference with vessels and impressment of seamen soon had the effect of banishing all shipping, save incoming vessels from foreign voyages, from Newport. Fishing and wood carrying stopped, and Newport was effectually cut off from supplies. Vessels were tied up at the wharves without cargoes, and hundreds of sailors loitered in the streets for want of employment. On June 4, 1765, the King's birthday, the "Maidstone" sent a boarding party to a vessel arriving from Africa, and impressed the entire crew, including several inhabitants of Newport. This aroused the people. At nine in the evening of June 4, a boat from the "Maidstone," landing at one of the Newport wharves, was seized by a crowd, estimated as including 500 sailors and boys, dragged up Queen Street at a speed so great that the iron keel left a trail of sparks, carried to the Common and publicly

burned. Governor Ward sent the sheriff of Newport County on board the "Maidstone" to demand release "of several inhabitants of this colony, lately impressed and detained on board said ship contrary to law." On June 11, Governor Ward repeated his demand "that all the inhabitants of this colony who have been forcibly taken and detained . . . be forthwith dismissed." His letter to Captain Antrobus under date of July 12 summarized the situation thus:

The men whose discharge I requested were detained several weeks; many others, in the meantime, impressed; the very fishing boats which daily supplied the town were fired at, and interrupted so much in their fishing that some of them dared not go out of the harbor; and the town, if these measures had been continued, would soon have greatly suffered; nay, to such an extravagant height of imprudence and insolence had your people arrived as to enter on board a wood-boat (upon the King's birthday, the very day upon which you affect to lay so great stress), having only two men in her, and to take one of them out, and even to follow the vessel to the wharf. This encouraged the populace, and was the immediate occasion of the riot, which ended in burning the Maidstone boat. These things gave a general uneasiness to the inhabitants, who not only saw the great disadvantage they must suffer in their trade and commerce, but were also apprehensive that the supplies which came to the town by water (without which they cannot subsist) would be so much obstructed as greatly to enhance the price of the necessities of life. . . .

And here, sir, I must observe, that the impressing of Englishmen is, in my opinion, an arbitrary action, contrary to law, inconsistent with liberty, and to be justified only by urgent necessity. . . . You assert that while your ship is afloat the civil authority of this colony does not extend to and cannot operate within her. But I must be of opinion, sir, that while she lies in the body of a county, as she then did and still does, within the body of the county of Newport, all her officers and men are within the jurisdiction of this colony, and ought to conform themselves to the laws thereof; and while I have the honor to be in the administration, I shall endeavor to assert and maintain the liberties and privileges of his majesty's subjects; and the honor, dignity and jurisdiction of the colony. . . . As the men whose discharge I was anxious for have been dismissed, and no further complaints have been made me on that head, I am content to drop the dispute, and hope for the future there may be no occasion for renewing it.

The Governor mentioned in his letter a formal complaint of the destruction of the boat to the Chief Justice of the county, and added: "But in justice to this town I must observe, that by the best information I can get, no person of the least note was concerned in the riot; the persons who committed the crime consisting altogether of the dregs of the people, and a number of boys and negroes." The famous Boston tea party, several years later, was conducted by a *strange band of Indians* who appeared suddenly in the quaint and quiet Puritan town. Who shall say that disguise was not known by the *strange tatterdemalion band, including negroes*, who burned the boat of the "Maidstone"? The courts of Rhode Island were open to the British officers for prosecution of offenders, "supposed to be known," but there were no convictions.

**THE STAMP ACT**—The exasperation aroused in Newport by the activities of the "Maidstone," including what was described by a contemporary writer as "the hottest press ever known in this town," had not subsided when news reached America that Parliament had passed the stamp act, to become effective November 1, and that it had been signed *for* King George III, who was mentally deficient and under guardianship. Venturesome sea captains, sailing to and from ports farther up Narragansett Bay, no doubt had found ways of avoiding the "Maidstone" by use of the West Passage or by night sailing, which were not available to Newport vessels, which must lie at wharves commanded by the "Maidstone's" batteries. But the stamp act could not be avoided by seamanship. Providence expressed its discontent with the stamp act in resolutions. At a special town meeting on August 7, 1765, Stephen Hopkins, Nicholas Cooke, Samuel Nightingale, Jr., John Brown, Silas Downer and James Angell were appointed a committee to draft instructions to the town's representatives in the General Assembly. Resolutions drafted by the committee were adopted August 13; in large part they were similar to

the resolutions adopted by the Virginia House of Burgesses on motion of Patrick Henry, and, with variations emphasizing Rhode Island's unusual independence in legislative matters, were subsequently adopted by the General Assembly at its session in September, 1765. The "Providence Gazette," revived after a long suspension, printed a special edition on August 24, which included copies of the Providence resolutions, extracts from reports in other colonial papers of action taken elsewhere, part of the speech made by Colonel Barré in Parliament against the stamp act, and an editorial praising resistance by patriots. The edition of August 24 carried the motto: "Where the Spirit of the Lord is, there is Liberty," and across the top of the front page, in glaring letters after the streamer fashion of modern newspapers, the words "Vox Populi, Vox Dei." The revolution against the stamp act had been complete, though quiet and orderly, in Providence. In Newport, where the people had been stirred to violence by persistent interference with the commerce on which the prosperity of the town depended, popular demonstration of wrath preceded action in town meeting by resolution, on September 3, 1765. On August 27, Augustus Johnston, who had been appointed distributor of stamps in the colony; Thomas Moffat, Scotch physician, temporarily resident in Newport and outspoken advocate of the English policy; and Martin Howard, whose "Letter from a Gentleman of Halifax to His Friend in Rhode Island," answering "The Rights of Colonies Examined," by Stephen Hopkins, had been second in a series of pamphlets recalling exchanges a century earlier by Roger Williams and John Cotton, were hanged in effigy on a gallows erected in front of the Colony House. In the evening the effigies were cut down and burned in the presence of a throng of people that filled every available space from which the fire might be seen. The demonstration was continued on the following day, when the houses of Johnston, Moffat and Howard were wrecked, and much of their furnishings destroyed. Johnston, Moffat and Howard, with the three officers at the custom house in Newport, fled from the town in terror, seeking protection on board the "Cygnet," English sloop-of-war, then in the harbor. Johnston, whose resignation as distributor of stamps, because he could not "execute the office against the will of our Sovereign Lord the People," had been announced by the "Providence Gazette" of August 24, in a letter dated November 22, declared: "In the evening of the twenty-eighth of August last a large mob was raised in the town of Newport, on account of the stamp act, as was said; and I was reduced to the necessity of seeking for an asylum on board H. M. S. 'Cygnet,' for the preservation of my life. On coming on shore the next day I was obliged, for the security of my life and property, to sign a paper purporting that I would not execute said office without the consent of the inhabitants of the colony, which was the first time that I was desired to resign said office." Samuel Crandall, described as "a principal fellow amongst the mob," was accused by the customs officers of proposing "infamous terms presumptuously" for their return to shore, as follows: "That we must receive our fees as settled by an act of the Assembly of the colony, in defiance of an act passed at the last session of Parliament; and deliver up the prize sloop, molasses and scows, now under protection of the 'Cygnet,' waiting the determination of the prosecution against them, at Halifax." From the latter it appeared that, while the stamp act was the immediate irritant, the uprising at Newport followed a series of provocative measures taken by the King's collectors and English naval officers. Gideon Wanton, Jr., an Assistant, acting in the absence of Governor Ward, assured the collector and his associates, on August 31, that "the fury of the populace hath entirely subsided, and the minds of the people quieted; so that there is not the least danger or apprehension of any further riotous proceedings"; and expressed his wish that the customs officers would resume the execution of their offices under an assurance of "all the protection in my power for the safety of your persons and interest." He pointed out that the "putting an entire stop to the trade and commerce of the colony," by closing the custom house, "will be

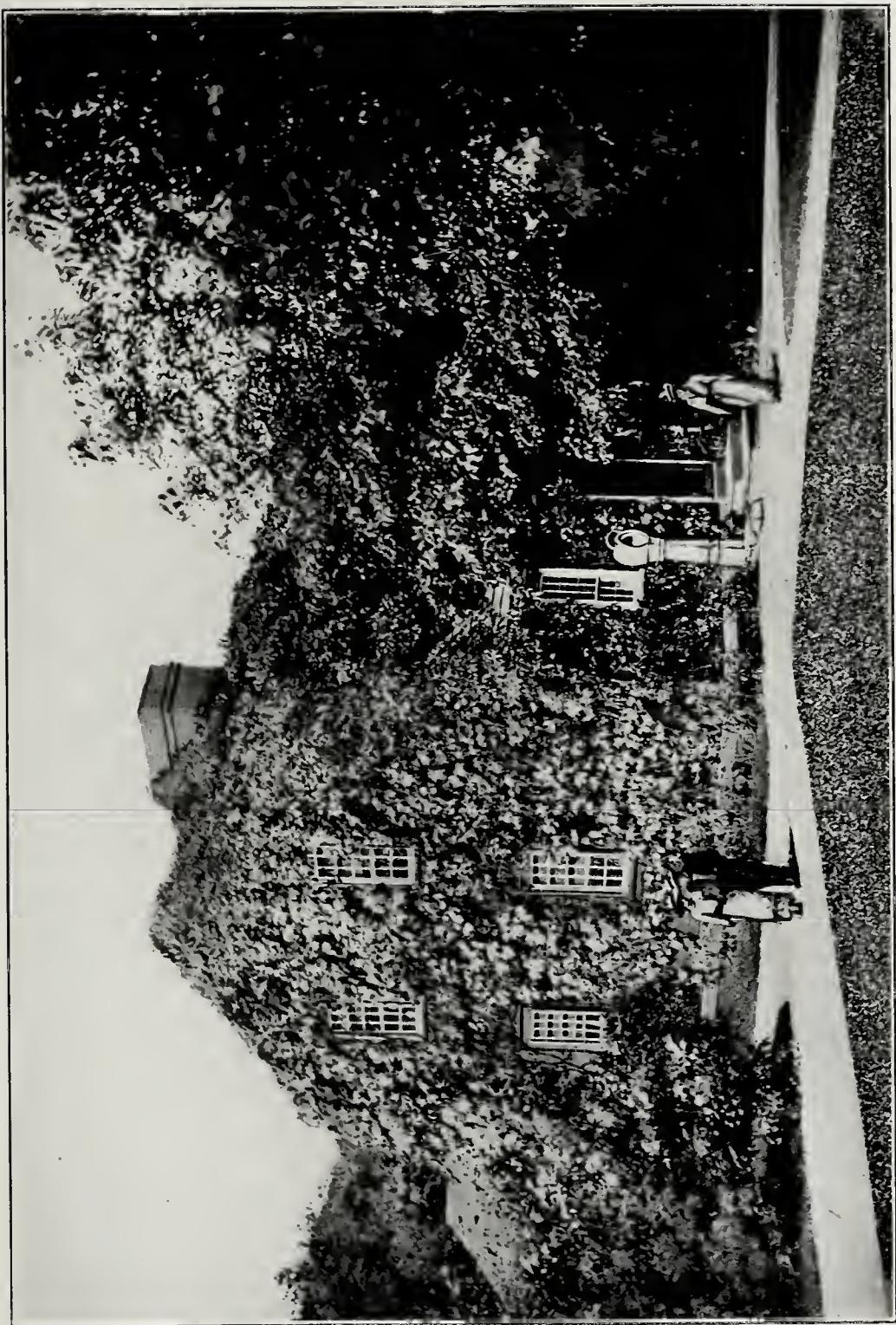
attended with most pernicious consequences." Governor Ward, who returned to Newport on August 31, in the afternoon renewed Gideon Wanton's request, with "the most absolute assurance that everything is perfectly tranquil," and on September 1, writing again, said that Samuel Crandall had called on him and given further assurance "that he has not the least intention of raising any disturbance or riot, or of doing any kind of injury." Governor Ward placed an armed guard about the custom house. On the same day the captain of the "Cygnet" complained that rumors had reached him of a plot to retake the prize sloop, and warned Governor Ward that if any demonstration of force was made, the "Cygnet" would open fire on the fort and on the town of Newport. The war might have begun at that moment, so tense was the attitude of all parties. Johnston, Moffat and Howard subsequently presented claims to the English government for damages, amounting approximately to £2500, because of destruction of property, and removal from the colony of two of them. The colony disputed the claims as excessive, and also because they had not been presented either to the General Assembly or to the colony courts. In later negotiations these claims were urged as set-off against the colony's petition for reimbursement for war expenditures incurred on behalf of the English government in 1756. In 1772-1773, itemized inventories of property alleged to have been destroyed or carried away were presented; the totals of £613 were reduced to £296 by committees of the General Assembly which investigated the claims, and ordered paid on settlement by England of the colony's account as of 1756.

The General Assembly met at East Greenwich on the second Monday in September, 1765, for a most momentous session. The Speaker of the House of Deputies announced receipt by him of an invitation to send representatives to a conference to be held at New York on the first Tuesday in October, and Metcalfe Bowler and Henry Ward were thereupon chosen to attend the Stamp Act Congress. Careful instructions for the delegates were drafted, and the Assembly itself adopted resolutions more emphatic and daring than any others of the period, as follows:

This Assembly, taking into the most serious consideration an act passed by the Parliament of Great Britain at their last session for levying stamp duties, and other internal duties in North America, do resolve:

1. That the first adventurers, settlers of this, his majesty's colony and dominion of Rhode Island and Providence Plantations, brought with them and transmitted to their posterity and all other his majesty's subjects since inhabiting in this, his majesty's colony, all the privileges and immunities that have at any time been held, enjoyed and possessed by the people of Great Britain.
2. That by a Charter granted by King Charles II in the fifteenth year of his reign the colony aforesaid is declared and entitled to all the privileges and immunities of natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.
3. That his majesty's liege people of this colony have enjoyed the right of being governed by their own Assembly, in the article of taxes and internal police; and that the same hath never been forfeited, or any other way yielded up; but hath been constantly recognized by the King and people of Britain.
4. That, therefore, the General Assembly of this colony have, in their representative capacity, the only exclusive right to lay taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons whatever, other than the General Assembly aforesaid, is unconstitutional and hath a manifest tendency to destroy the liberties of the people of this colony.
5. That his majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance designed to impose any internal taxation whatsoever upon them, other than the laws or ordinances of the General Assembly aforesaid.
6. That all the officers in this colony, appointed by the authority thereof, be and they are hereby directed to proceed in the execution of their respective offices in the same manner as usual; and that this Assembly will indemnify and save harmless all the said officers, on account of their conduct, agreeably to this resolution.

Though the record of the General Assembly session of September, 1765, concluded with the formal "God save the King," the General Assembly, by striking out from the first draft of



BETSEY WILLIAMS COTTAGE, ROGER WILLIAMS PARK, PROVIDENCE



the fourth paragraph of its resolutions the words "his majesty or his substitute," had denied even to the King a right to participate in imposing taxes upon the colony, and had declared that the tax right lay exclusively with the General Assembly. The fifth paragraph in the Rhode Island resolutions, declaring that the colony was "not bound to yield obedience to any law or ordinance designed to impose any internal taxation whatsoever upon them other than the laws or ordinances of the General Assembly," had been too daring and revolutionary for Virginia, which rejected it. The sixth paragraph ordered government as usual under guaranty of support and indemnity. The Assembly ordered the apprehension of the Newport rioters and precautions against future riots.

RHODE ISLAND AT THE STAMP ACT CONGRESS—Meeting at South Kingstown on the last Wednesday in October, 1765, the General Assembly received the report of the delegates to the Stamp Act Congress that the latter had adopted "several declarations of their opinion respecting the rights and liberties of the colonists, and agreed upon a loyal and dutiful address to his majesty, and humble application to both houses of Parliament to procure the repeal of the stamp act and of all clauses of any other acts of Parliament whereby the jurisdiction of the admiralty is extended beyond its ancient limits in the colonies, and of the other acts for the restriction of American commerce." Resolutions of cordial thanks to Colonel Isaac Barré "for his generous and patriotic endeavors in a late session of Parliament, for the interest of the colonies" were adopted. It was voted and resolved "that the last Thursday in this instant November be observed throughout this colony as a day of public thanksgiving to Almighty God, for the many favors and mercies received the year past; and that prayers be put for a blessing on the endeavors of the colony for preservation of their invaluable privileges; and that his honor the Governor be, and he is hereby requested to issue a proclamation accordingly." This was the earliest precedent for the last Thursday in November as Thanksgiving Day.\*

Near as Rhode Island seemed to be to revolution in 1765, resistance to injustice rather than independence was the dominating purpose. Governor Ward's statement in a letter to the colony agent under date of November 7, was clear upon this point: "The complaints of this colony on their present grievances do not arise from any unwillingness to contribute to the interest of Great Britain, or the least desire of throwing off or lessening, in any manner, our dependence upon her. We unanimously esteem our relation to our mother country as our greatest happiness, and are ever ready, and at the hazard of our lives and fortunes, to do anything in our power for her interest, and all we desire in return is the quiet enjoyment of the common rights and privileges of Englishmen, which we imagine we have a natural right and just title to." Samuel Ward was true as steel, however; he alone of American Governors in 1765 refused to take the oath to enforce the stamp act prescribed for Governors. As the Revolution drew nearer he was identified with the patriot cause; in 1774 he accompanied his colleague at the Albany Congress and his opponent in Rhode Island internal politics, Stephen Hopkins, as delegate to the Continental Congress.

RESISTANCE TO THE STAMP ACT—November 1, 1765, arrived, and with it the time for putting the stamp act into effect in America. Practically no public business could be transacted in a legal way without the use of stamped paper; and none was to be had, whether "distributors" feared to sell or good Americans refused to buy. In Rhode Island public business proceeded as usual, because the General Assembly had ordered it so, and had guaranteed to sustain colony officers. Only the officers at the custom house in Newport were interested in stamps. Their application for stamps to Augustus Johnston as distributor elicited an answer to the effect that stamps had been consigned to him and received; that he had been persuaded

\*In each of 1759 and 1760 the Thursday preceding the last Thursday was Thanksgiving Day.

by duress to resign his office; and that he had carried the stamps on board the "Cygnet." He declined to furnish stamps, because, as he said "I am apprehensive that if any attempt should be made by me to land the papers or execute said office, without the consent of the inhabitants of the colony, that my life and property would be endangered." The customs officers then presented to Governor Ward their letter to Johnston and his answer to it, because "we think it incumbent on us (particularly for our own justification) to apply to your honor, in order to know whether any stamped papers are to be had within your government." On December 23 Johnston was called before the Governor and council to answer explicitly the question, "Whether you will accept the office of distributor of stamps for this colony, or not?" Three days later Governor Ward, writing to the Lords Commissioners of the Treasury, said: "Augustus Johnston, Esq., who (as he informs me) was appointed chief distributor in this colony, hath resigned that office," adding that "people of every rank and condition are so unanimous in their opinion that the operation of the act for levying stamp duties in America would be inconsistent with their natural and just rights and privileges, injurious to his majesty's service and the interest of Great Britain, and incompatible with the very being of this colony, that no person, I imagine, will undertake to execute that office."

**REPEAL OF STAMP ACT**—Parliament, on receiving news from America, early in 1766, of the sturdy opposition to the stamp act, faced the alternative of enforcement or repeal, and eventually chose the latter. The petitions of "the merchants of London, Leeds, Bristol, Glasgow and other places, trading to America," and complaining already of loss of trade through the American policy of boycotting English goods, mentioned by Sherwood in his letter of February 25, 1766, undoubtedly, had an effect in producing in the House of Commons the majority of 108 for repeal. William Pitt and Edmund Burke were powerful in the debate. Sherwood, the colony agent, and Secretary Conway, each announcing the repeal, mentioned Parliament's wish that compensation should be paid for losses in recent riots and other disorderly procedure, and urged a display of generous gratitude in America. The General Assembly voted resolutions of thanks to his majesty, and ordered the salutes in honor of the repeal and of the King's birthday, fired at the fort, paid for from the colony treasury. The Governor was directed to thank the merchants of London for promoting the repeal of the stamp act. The "Providence Gazette" recorded a celebration in Providence of the King's birthday, June 4, as a day of public rejoicing. "The auspicious morn was ushered in by the ringing of bells, and a discharge of several cannon from a battery planted on the parade. The courthouse, a most elegant structure, was beautifully ornamented with colors, and the shipping in the harbor hove out theirs at a signal given. Joy and gladness shone in every countenance; and nothing was to be heard but mutual congratulations until eleven o'clock, when, according to the order of the day, there was a general gathering of the people on the parade. From thence they marched in order, with drums beating, trumpets sounding, and colors displayed, to the Presbyterian meetinghouse, where thanks were given to the Supreme Ruler of the Universe, for His kindness to His people, in releasing them from the heavy burdens which were imposed on them, and for continuing their liberties. There was an animated and well-adapted discourse delivered by the Rev. Mr. Rowland from Psalm cxxvi, 3, and the religious exercises were concluded with a beautiful anthem performed by a company of musicians. The assembly returned in like good order as they came, to the courthouse, where his majesty's health was drunk by many hundreds under a royal salute of twenty-one cannon, when the company adjourned to four o'clock. Upon their reassembling they drank thirty-two of the most loyal, patriotic and constitutional toasts, under a discharge of seven, five and three cannon, accompanied with the sound of drums, trumpets and loud huzzas of the loyal multitude, who were liberally treated by the gentlemen of the town. In the evening 108 sky rockets with a beehive con-

taining 106 serpents, were played off before the courthouse (which was most beautifully illumined), with divers other kinds of fireworks. At nine o'clock there was an elegant boiled collation served up to the company; and at eleven, when every heart was full fraught with joy and loyalty, the company retired. And that the daughters of liberty might not be wholly excluded from rejoicing in a way agreeable to them, the evening after there was a grand ball given by the gentlemen of the town, at which there was the most brilliant appearance of ladies the town ever saw. The whole was carried on to general satisfaction, and without hurtful accident."

Lest repeal of the stamp act establish a constitutional precedent, in accord with the English usage of applying to resolutions of Parliament defining policies a doctrine resembling judicial *stare decisis*, Parliament enacted with the repealing statute the so-called "declaratory act," asserting explicitly a right vested in Parliament to make laws for "the colonies and people of America, subject of the crown of Great Britain, in all cases whatsoever." At the same time the acts of trade were revised, and adjusted practically upon a revenue, rather than a regulatory or prohibitory, standard. The reduction of the duty on molasses to one penny per gallon, and modifications of the tariff on sugar, coffee and spice were considered favorable to American colonial trade, and promised revival of colonial prosperity. The Duke of Richmond, writing June 12, 1766, announced the "opening and establishing certain ports on the Islands of Jamaica and Dominica for the more free importation and exportation of certain goods and merchandises," and continued: "Thus, you see, gentlemen, that not only the greatest attention has been shown to his majesty's American subjects, by the repeal of an act which they had complained of, but those grievances on trade which seemed to be the first and chief object of their uneasiness have been taken into most minute consideration, and such regulations have been established as will, it is hoped, restore the trade of America, not only to its former flourishing state, but be the means of greatly increasing and improving it." The Lords Commissioners of Trade and Plantations, under date of August 1, requested information concerning new manufactures set up in Rhode Island since 1734; Governor Lyndon reported "ten forges for making iron out of ore; two furnaces, one for making ore into pigs, and the other for making hollow-ware out of ore; six spermaceti works; twelve potash works, three rope-walks, and one paper mill, at which is manufactured wrapping, package and other coarse paper . . . neither for these nor any other manufactures is any bounty or other encouragement given by the colony."

**NEWPORT MASSACRE**—The benevolent disposition manifested in England was not destined to be long continued. On Townshend's return to the Ministry in 1766, he resumed almost immediately his American colonial policy, involving (1) billeting 10,000 English troops in America; (2) strict enforcement of trade and navigation and revenue acts; and (3) effective taxation of the colonies. Duties were laid on tea, glass, red and white lead, and paper in 1767; a board of commissioners to supervise enforcement of the navigation acts was created; and the New York Assembly was suspended because of refusal to furnish supplies for a detachment of British troops. Thus England furnished America with pretexts for renewing the quarrel that appeared to have ended with the joyously good feeling that attended repeal of the stamp act. America was as prompt as might be expected in taking up once more the defence of liberty. Colonial committees of correspondence established first during the stamp act controversy resumed activity. Colonial assemblies passed resolutions and exchanged copies. Stout resistance to customs officers appeared in places, with open quarrels between Americans and English officers which indicated deep-seated hostility. One of these resulted in the Newport massacre, May 3, 1768. As in the instance of the Boston massacre, which occurred nearly two years later,\* reports of the Newport massacre vary, one alleging murderous assault upon

\*March 5, 1770.

an unarmed youth by a British naval officer provoked by derisive laughter as he and two companions passed by on a Newport sidewalk; the other alleging an affray in which the British officers drew in self-defence, and slew the youth and wounded one of his companions. Henry Sparker, run through the body by a British sword, died. The coroner returned a verdict of wilful murder, and three British officers from the "Senegal," man-of-war, were arrested: Thomas Careless, charged with murder; Charles John Marshall and Thomas Young, as accessories. The General Assembly, in May, ordered a special session of the Superior Court of Judicature to meet in June, three months earlier than the regular sitting. The officers were acquitted on their plea of self-defence.

Recourse to the concerted action by resolutions in colonial assemblies, by resolutions in congress, and by resistance that had procured the repeal of the stamp act was indicated early in 1768 as about to be taken against the Townshend policy. On February 11 the Massachusetts House of Representatives addressed a letter to the Speaker of the "House of Representatives in Rhode Island," in which it was suggested that "it seems to be necessary that all possible care should be taken that the representations of the several assemblies, upon so delicate a point, should harmonize with each other." The letter then summarized a protest sent by Massachusetts to the Ministry. Hillsborough, writing from Whitehall, in April, cautioned Rhode Island, with reference to the Massachusetts protest, thus: "As his majesty considers this measure to be of a most dangerous and factious tendency, calculated to inflame the minds of his good subjects in the colonies, to promote an unwarrantable combination, and to excite and encourage an open opposition to and denial of the authority of Parliament, and to subvert the true principles of the constitution; it is his majesty's pleasure that you should, immediately upon the receipt hereof, exert your utmost influence to defeat this flagitious attempt to disturb the public peace by prevailing upon the Assembly of your province to take no notice of it, which will be treating it with the contempt it deserves. The repeated proofs which have been given by the Assembly of Rhode Island of their reverence and respect for the laws, and of their faithful attachment to the constitution, leaves little room in his majesty's breast to doubt of their showing a proper resentment of this unjustifiable attempt to revive those distractions which have operated so fatally to the prejudice of his kingdom and the colonies; and, accordingly, his majesty has the fullest confidence in their affections and expects that they will give him the strongest proofs of them in this and every other occasion." Governor Lyndon, answering, promised to lay the matter before the General Assembly. Hillsborough, on September 2, wrote: "The King having observed that the governors of his colonies have, upon several occasions, taken upon themselves to communicate to their councils and assemblies either the whole or parts of letters which they have received from his majesty's principal secretaries of state, I have it in command from his majesty to signify to you that it is his majesty's pleasure that you do not, upon any pretence whatever, communicate to the Assembly any copies or extracts of such letters as you shall receive from his majesty's principal secretaries of state, unless you have his majesty's particular directions for so doing." Governor Joseph Wanton answered the foregoing thus: "Your lordship's letter of September 2 last, having been laid before the General Assembly, I am, at their request, to observe to your lordship that, by the Charter of this colony, the supreme authority is vested in the General Assembly; and that by the constitution all letters, intelligence and correspondence relating to public matters and the welfare of the colony must necessarily be laid before them, and there receive a final decision. . . . The instruction contained in your lordship's letter, I imagine must have been given without a sufficient attention to the nature of this government, which clearly appears from the letter itself, it being addressed to the Governor and Company, which is the General Assembly. The letter being circular, I think easily accounts for the mistake."

If the Colony House did not rock with laughter at Hillsborough's commendation, in his

letter of April 21, of the "reverence and respect for the laws" displayed by the members of the General Assembly, it was because their sense of humor was suppressed for the time being by the seriousness of the situation. Governor Lyndon wrote to Hillsborough that the General Assembly had considered the Massachusetts letter and "upon mature deliberation they are of opinion that it hath not any tendency to faction; that it is not calculated to inflame the minds of his majesty's good subjects in the colonies, or to promote an unwarrantable combination, or to excite and encourage an open opposition to and denial of the authority of Parliament, or to subvert the true principles of the constitution. On the contrary, that letter appears to this Assembly to contain not only a just representation of our grievances, and an invitation to unite in humble, decent and loyal addresses to the throne for redress; but also sentiments of the greatest loyalty to his majesty, of veneration for his high court of Parliament, of attachment to the British constitution, and of affection to the mother country. . . . This Assembly cannot but express great surprise and concern that an attempt to unite fellow subjects, laboring under the same hardships, in petitioning the throne in a constitutional, humble and loyal manner, for redress should be termed a factious and unwarrantable combination. Nor, my lord, can this Assembly conceive that this idea arises from any part of the letter itself, but rather from false and malicious insinuations of the temper and disposition of the colonies, made by their enemies. Therefore, this Assembly, instead of treating that letter with any degree of contempt, thinks themselves obliged, in duty to themselves and to their country, to approve the sentiment contained in it." The Assembly did even more; it adopted its own letter of protest to be addressed to the King. The letter recited the loyalty of Rhode Island, and the great happiness that the colony had enjoyed under the Charter, and continued: "It is, therefore, with the greatest concern and grief that your majesty's loyal subjects in this colony find their property given and granted by your majesty's Parliament without their consent. Although we have the highest veneration for that most august body, to whom we cheerfully and readily submit, as to the supreme legislature of the whole empire, in all things consistent with the first and most fundamental rights of nature; yet we humbly conceive that the late acts of Parliament imposing duties and taxes upon your majesty's subjects in America, not for the regulation of commerce, merely, but for the express purpose of raising a revenue, thereby giving and granting the property of the Americans, without their consent, to be an infringement of those rights and privileges derived to us from nature, and from the British constitution, and confirmed by our Charter, and uninterrupted enjoyment of them for more than a century past." Governor Lyndon, in a letter transmitting the Assembly's letter, wrote: "At the same time, my lord, that this Assembly pleads for a right, which, in their opinion, constitutes the sole difference between free subjects and slaves, they are far, very far, from aiming at an independence of the mother country." Writing also to Sherwood, the colony agent, Governor Lyndon said: "By these (letters) you will know the sentiments of the General Assembly about the late acts of Parliament for raising a revenue upon the free inhabitants of the colonies without their consent. They look upon them as incompatible with their rights, and with their existence as a free people." Hillsborough, acknowledging receipt of the General Assembly's address to the King, wrote: "The King having commanded me to read this address to him, and having well weighed the contents and purports thereof, has ordered me to signify to you, for the information of the General Assembly, that his majesty does not approve thereof, and . . . holds himself bound by every tie of regard for the welfare and interest of the whole community to reject any petition or address founded upon claims and pretensions inconsistent with the authority of the supreme legislature over all the British empire, which authority his majesty is resolved to preserve and support entire and inviolate."

Hillsborough, in May, 1768, complained that customs officers "meet with great obstructions and are deterred from exerting themselves in the execution of their duty." The General

Assembly answered by resolution directing the Governor to "inform his lordship that this Assembly knew of no obstructions his majesty's officers have met with in this colony." Hillsborough, in December, wrote "that his majesty learns with great satisfaction that his commissioners and officers of the customs have met with no obstruction in the performance of their duty in his colony of Rhode Island." Disorder and obstruction had occurred elsewhere; Sherwood wrote that, while he would use his utmost zeal for the repeal of the obnoxious legislation, he feared "the behavior of some people in your neighboring province will be so far resented as to prevent any good effects being immediately produced by the endeavors of your friends. I mean that this government will not, at present, think it consistent with their dignity to repeal those acts, lest such a measure should be construed into a silent acknowledgment that they are not able to carry their acts into execution. . . . The legislature are determined not to repeal those acts for the present, but to enforce the execution of them." Eventually the resentment aroused in Rhode Island produced disorder. In May, 1769, Jesse Saville, a tide waiter in the custom house at Providence, was seized while on duty, and tarred and feathered. An offer of a reward of £50 failed to produce information of the assailants.

**SCUTTLING OF THE "LIBERTY"—***In July the first overt act of the Revolution occurred in Rhode Island;* the "Liberty," armed British sloop, was seized, dismasted and scuttled, and her boats were burned at Newport. The "Liberty" had been fitted out by the commissioners of the King's customs in Boston and sent to Rhode Island waters to detain and examine all vessels suspected of violating the revenue laws. The "Newport Mercury" of May 22, 1769, reported: "Last Tuesday a sloop from the West Indies belonging to Providence, in this colony, was seized by the officers of the 'Liberty,' sloop of war." The "Providence Gazette" of May 27: "On Monday, arrived here, his majesty's armed sloop "Liberty," Captain Reed, from Newport." Both the "Gazette" of July 22 and "Mercury" of the same date reported the destruction of the "Liberty." The following narrative is in part from each of the papers, which agreed on the essential details:

Captain Reed, commander of the sloop "Liberty," having seized a brig, Captain Packwood, and the "Sally," sloop, Edward Finker, master, both belonging to Connecticut, on Monday, July 17, brought both into Newport on the same day. The brig was seized on suspicion of "having done an illicit act," and the "Sally" was alleged to be loaded with a cargo of prohibited goods. Up to Wednesday no prosecution of either brig or sloop had been undertaken. The reports in "Gazette" and "Mercury," and the statements in proclamations issued subsequently indicate that probably the seizure of the brig was unwarranted, and that Captain Packwood had obtained clearance papers at the custom house at Newport. On Wednesday Captain Packwood went on board the brig for some necessaries. The "Gazette" reported that his clothing and other personal effects had been removed to the "Liberty," and that he found sailors from the "Liberty" unbending the sails on the brig, probably to prevent sailing. The "Mercury" reported that officers of the prize crew on board the brig refused to allow Captain Packwood access to his clothing. Both papers agree that there was a quarrel on board the brig, in the course of which Captain Packwood drew his sword and with it cleared his way to his boat. While the latter was proceeding to the wharf at Newport it was fired upon by the "Liberty," two musket balls passing close to Captain Packwood. Attempts to fire a swivel and pistol failed. In the evening of Wednesday, July 19, Captain Reed of the "Liberty," who was ashore, was seized by a crowd on Long Wharf, and compelled to order the crew of the "Liberty" ashore to answer for the attack on Captain Packwood. The "Liberty" was then boarded, her cables cut, and she was allowed to drift to shore. There her masts and rigging were cut away, her guns were heaved overboard, and she was scuttled. Her two boats were dragged to the common and burned. The brig, Captain Packwood, and the "Sally," sloop, were released and sailed away.

The "Mercury" of July 31 reported: "Last Saturday afternoon the sloop 'Liberty' was floated by a high tide, drifted over to Goat Island, and is gounded at the north end, very near where the pirates were buried. What this prognosticates we leave to the determination of astrologers!" On August 7, the "Mercury" reported further: "Last Monday evening, just after the storm of rain, hail and lightning, the 'Liberty,' sloop, which we mentioned in our last to have drifted to Goat Island, near where the pirates were buried, was discovered on fire; and she continued burning for several days, till almost entirely consumed." Governor Wanton issued a proclamation on July 21, "directing and requiring all the officers of justice in this colony to use their utmost endeavors to inquire after and discover the persons guilty of the aforesaid crimes." His majesty's commissioners of customs offered a reward of £100 "for the apprehending and bringing to condign punishment the persons concerned in this daring and atrocious outrage." Neither proclamation nor reward availed; no doubt some of the Connecticut sailors from the brig and sloop were among the "unidentified strangers" who scuttled the "Liberty." The astrologers disclosed neither by prognostication nor by revelation what hand set the fire that burned the "Liberty."

At the session of the General Assembly in June, 1769, a committee was appointed to consider a letter received from Payton Randolph, Speaker of the Virginia House of Burgesses, enclosing resolutions adopted by Virginia on May 16. At the October session the Assembly adopted as its own the second, third and fourth Virginia resolutions, excepting the first, because Rhode Island had already adopted and sent to the King a resolution, stronger than that from Virginia, declaring the Assembly's exclusive right to levy taxes in Rhode Island. Otherwise the resolutions declared the rights (1) to petition the King for redress of grievances; and (2) to trial by a jury of the vicinage. The latter was a protest against the threat to carry persons arrested on the charge of treason to England for trial there, because American juries invariably acquitted their fellow-citizens charged with the violation of laws which, from the American point of view, were unconstitutional. Meanwhile Sherwood, with resident agents of other American colonies, had been in conference with Hillsborough; the latter, Sherwood wrote, "repeatedly assured us that the legislature and ministry here had laid aside every idea of raising a revenue in America for the service of the government; and that it was resolved upon by them to repeal the act laying duties upon paper, glass and colors; and that every reasonable and proper measure would be taken to remove the jealousies, fears and apprehensions of the Americans." A more effective weapon than resolutions and disorder—the boycott of English goods which had been so convincing as a protest against the stamp act—had been revived, and associations of merchants bound by agreements not to import English goods and of consumers bound by agreements not to buy English goods, had risen throughout the colonies. The Sons of Liberty, and in Rhode Island the Daughters of Liberty, organizations suggested by Colonel Barré's appeal for America in the debate on the stamp tax, were revived. Liberty trees, dedicated as meeting places for patriots, were found in most towns. The Providence Liberty Tree had been dedicated July 25, 1768, by Silas Downer, thus:

We do, in the name and behalf of all the true sons of liberty in America, Great Britain, Ireland, Corsica, or wheresoever they may be dispersed throughout the world, dedicate and solemnly devote this tree to be a tree of liberty. May all our councils and deliberations under its venerable branches be guided by wisdom, and directed for the support and maintenance of that liberty which our renowned forefathers sought out and found under trees and in the wilderness. May it long flourish, and may the sons of liberty often repair hither to confirm and strengthen each other; when they look toward this sacred elm may they be penetrated with a sense of their duty to themselves and their posterity; and may they, like the house of David, grow stronger and stronger, while their enemies, like the house of Saul, shall grow weaker and weaker. Amen.

As orator of the occasion, Silas Downer pronounced a discourse upon the problems of the time, including paragraphs so incisive as these:

But of late a new system of politics has been adopted in Great Britain, and the *common people* there claim a sovereignty over us although they be only fellow subjects. . . . It is now an established principle in Great Britain that we are subject to the people of that country, in the same manner as they are subject to the Crown. The language of every paltry scribbler, even of those who pretend friendship for us in some things is after this lordly style—*our colonies, our western dominions, our plantations, our islands, our subjects in America, our authority, our government*, with many more like imperious expressions. Strange doctrine that we should be thus subjects of subjects, and liable to be controlled at their will! It is enough to break every measure of patience that fellow subjects should thus assume such power over us. . . . If the King was an absolute monarch and ruled us according to his absolute will and pleasure, as some Kings in Europe do their subjects, it would not be in any degree so humiliating and debasing, as to be governed by one part of the King's subjects who are but equals. . . .

A standing army in time of profound peace is cantoned and quartered about the country to awe and intimidate the people. Men-of-war and cutters are in every port, to the great distress of trade. . . . Unless we exert ourselves . . . sentry boxes will be set up in all streets and passages, and none of us will be able to pass without being brought to by a soldier with his fixed bayonet, and giving him a satisfactory account of ourselves and business. Perhaps it will be ordered that we shall put out fire and candle at eight of the clock at night, for fear of conspiracy. For such fearful calamities may the God of our fathers defend us. . . . Wherefore, dearly beloved, let us with unconquerable resolutions maintain and defend that liberty wherewith God hath made us free. . . . Let nothing discourage us from this duty to ourselves and our posterity. Our fathers fought and found freedom in the wilderness; they clothed themselves with the skins of wild beasts, and lodged under trees and among bushes; but in that state they were happy because they were free. Should these, our noble ancestors, arise from the dead, and find their posterity truckling away that liberty which they purchased for so dear a rate, for the mean trifles and frivolous merchandise of Great Britain, they would return to the grave with a holy indignation against us. . . . Let us, therefore, in justice to ourselves and our children break off a trade so pernicious to our interest, and which is likely to swallow up both our estates and our liberties. . . . We cannot, we will not, betray the trust reposed in us by our ancestors; we will be free men or we will die.

On year later "the merchants, traders, farmers and mechanics, and in general, all the sons of liberty, in this and the neighboring towns," were invited to meet at the Liberty Tree to consult and agree upon effectual measures to discourage the importation and consumption of European goods. Another meeting at the Liberty Tree was held October 17, and at the town meeting on October 24, 1769, it was resolved by the freemen "that they would not, directly or indirectly, from that time until the act imposing duties upon glass, paper, etc., shall be repealed, give any orders for importing, by land or water, into this colony, either for sale, or for their own families' use, or purchase of any other person importing any of the articles enumerated in an agreement entered into and signed by a number of the inhabitants of this town on the second day of December, 1767 . . . and that they would strictly adhere to the measures thereby adopted, by endeavoring most effectually to discountenance luxury and extravagance in the use of British and foreign manufactures and superfluities: and by exerting their utmost endeavors to promote and encourage, by all laudable methods our own manufactures, more especially the articles of wool and flax, the natural produce and staple of this colony." At the same meeting the merchants of the town agreed to place in bond "divers parcels of goods" ordered for import and daily expected to arrive from England. Stubborn as were the English ministers of the period in maintaining what they considered the principle involved in taxation of the colonies, even when the impracticability of taxation had been demonstrated by failure of both the stamp act and the Townshend measures, they were too far removed from America to understand that they had awakened there a devotion to liberty, amounting to a consecrated idealism, that would not yield. The boycott was continued vigorously until the repeal of the Townshend tariff on all articles save tea; thereafter there was disagreement in

America as to the necessity of continuing the boycott on all articles of British manufacture, and eventually the non-importation, non-consumption, policy was abandoned except as to tea. The colony of Rhode Island itself participated in the boycott; thus, in June, 1770, the General Assembly requested Moses Brown "to import from England for the use of this colony seven boxes of Bristol or Newcastle crown sash glass, to wit: Three boxes of twelve by sixteen, three of eleven by fifteen, and one of twelve by seventeen; to contain seven hundred feet in the whole; that the same be shipped as soon as conveniently may be, *after the duty on glass ceases*, and the other governments generally import that article." Agreements to boycott English goods were regarded as binding in honor, but not in law. A Massachusetts merchant who violated an agreement not to sell, and whose goods were taken from him and burned, sued in the courts of Rhode Island members of the committee appointed to enforce the agreement; the jury's verdict for the plaintiff was sustained by the court. Parliament repealed the Townshend tariff, except on tea, in 1770. A motion to include the tax on tea in the repeal was rejected, lest it be construed as a surrender of the alleged right to tax the colonies.

Only the tariff had been repealed, and that in part. The English ministry was persistent in pursuing its policy of maintaining an army in America and in enforcing the trade and navigation acts. Hillsborough, in December, 1770, announced "an augmentation to the King's forces, consisting of an additional light company to every battalion, and of twenty men to every company . . . . and it being of great importance in the present situation that the several battalions now serving in America should be completed as soon as possible," urged the Governor to assist in raising "such a number of recruits as shall be sufficient for that purpose." Early in 1771, General Gage, commanding the British forces in America, requested the Governor to provide quarters for his majesty's Sixty-fourth Regiment. The General Assembly deferred action, authorizing the Governor to call a special session should occasion arise. At the May session, 1772, the Assembly approved and ordered paid a bill for the expense of billeting a detachment of British soldiers passing through the colony. A suggestion of revival of the old controversy concerning control of the colony militia appeared in a letter from Governor Hutchinson\* under date of September 2, 1771, announcing his commission as "captain-general and commander-in-chief of the militia, and of all our forces by sea and land within the colony of Rhode Island and Providence Plantations, and the Narragansett Country, or King's Province in New England, and of the forts and places of strength within the same."

The enforcement of the trade and navigation acts involved more substantial difficulty and was made particularly vexatious by reason of the officiousness of customs officers and naval officers. The former were frequently in conflict with the colony officers; the latter ignored the laws of the colony on an assumption of higher authority. Both kept a steady stream of complaints moving toward England, some of which were disregarded by the English government as trivial, although occasionally an outburst of indignation was indicated by exchanges of curt correspondence with colonial officers. The situation was difficult and fraught with danger. The dissatisfaction with an unjust law that appears to warrant disregarding or breaking it tends to breed contempt for other law and sometimes for all law. For England it had been unfortunate that so much of legislation as affected America had been interpreted as violating dearly cherished rights of Americans. The ultimate effect was the disposition in America to regard all English officers as agents for tyranny. Coincidentally the almost utter disregard by English officers of colonial laws and of colonial officers left the latter in an embarrassing situation. Occasionally, however, it served the purpose of absolving the colonial government from responsibility. Thus, in July, 1771, Hillsborough complained of certain outrages committed on customs officers and "the neglect of the governors and civil magistrates in giving their assistance and protection," and particularly "that some of the most violent of these out-

\*Of Massachusetts.

rages have been committed at Newport, in Rhode Island, particularly in April last, when the collector of his majesty's customs at that port, was, in the execution of his duty, assaulted and grossly ill-treated, even to the danger of his life, by a number of the inhabitants, without any protection being given him; that, in general, the officers of the customs have received no support or countenance from that government, and have in vain applied to the superior court for writs of assistance in cases where such writs were adjudged necessary." Hillsborough suggested that it would be well "to consider what must be the consequences, if, after such repeated admonition, the laws of this kingdom are suffered to be trampled upon, and violences and outrages of so reprehensible a nature are committed with impunity." Governor Wanton answered "that Mr. Dudley, collector of the customs at Newport, in April last, in the dead time of the night, singly and alone, went on board a vessel lying at one of the wharves in Newport, where he met with a number of persons, supposed to be drunken sailors, and was cruelly and scandalously abused by them; that Mr. Dudley never applied to any civil authority for protection or assistance until after the abuse had happened; . . . and that Mr. Dudley, or any other persons, never afterward made any application to any of the authority in this colony for apprehending those persons who had thus abused him." Governor Wanton asserted that the civil courts were open for justice, and that he believed the assault had been "wholly perpetrated by a company of lawless seamen." He also declared that no application for a writ of assistance had been made to any court in Rhode Island, and that the justices declared "that when any application should be made to them by the custom house officers, for writs of assistance or other protection, that they would readily and cheerfully give them every assistance in the execution of their duty which the law puts in the power of the superior court to give." The Governor complained of the customs officers "for their abusing and misrepresenting the colony of Rhode Island and its officers," and hoped that his lordship would transfer his "reprehensions from the innocent colony of Rhode Island to those guilty officers who have so shamefully misinformed you." Governor Wanton refused in 1775 to take the definite step that involved separation from England; but he was throughout the critical period in which the revolution impended wanting in no effort to sustain the Charter and the rights of Rhode Island. In this respect he upheld the tradition of his family, which had given three other Governors to colonial Rhode Island.

BURNING OF THE "GASPEE"—The "Gaspee," armed sloop, appeared in Narragansett Bay in March, 1772, and almost immediately began to harass shipping. Deputy-Governor Sessions, on March 21 wrote to Governor Wanton from Providence:

The inhabitants of this town have of late been very much disquieted in their minds by repeated advices being brought of a schooner, which for some time past hath cruised in Narragansett Bay, and much disturbed our navigation. She suffers no vessel to pass, not even packet boats, or others of an inferior kind, without a strict examination; and where any sort of unwillingness is discovered, they are compelled to submit by an armed force. Who he is, and by what authority he assumes such a conduct, it is thought needs some inquiry; and I am requested by a number of gentlemen of this town, on their behalf, to acquaint your honor therewith, and that you would take the matter under consideration; and if the commander of that schooner has not yet made proper application, and been duly authorized, to bring him to account. It is suspected he has no legal authority to justify his conduct; and his commission, if he has any, is some antiquated paper, more of a fiction than anything else, and this seems to be confirmed by Mr. Thomas Greene, who says he saw it, and believes it to be no other than the commission the famous Reed had, who lost his sloop at Newport, or something else of no validity. In consequence of the above-mentioned application, I have consulted with Chief Justice Hopkins thereon, who is of opinion that no commander of any vessel has any right to use any authority in the body of the colony without previously applying to the Governor, and showing his warrant for so doing, and also being sworn to a due exercise of his office; and this, he informs me, has been the common custom in this colony.

Governor Wanton thereupon sent the high sheriff on board the "Gaspee" with a statement that a complaint had been made because the schooner had "in a most illegal and unwarrantable manner, interrupted . . . trade by searching and detaining every little packet boat plying between the several towns." The Governor directed the commander of the "Gaspee" "to produce me your commission and instructions, if you have any, which was your duty to have done when you first came within the jurisdiction of the colony." Lieutenant Dudingston, commanding the "Gaspee," replied: "When I waited on you on my arrival I acquainted you of my being sent to this government to assist the revenue. I had my commission to show you, if required, as it was ever understood by all his majesty's governors I have had the honor to wait on, that every officer commanding one of his majesty's vessels was properly authorized, and never did produce it, unasked for." Governor Wanton thereupon repeated his request, thus: "I expect that you do, without delay, comply with my request of yesterday; and you may be assured that my utmost exertions shall not be wanting to protect your person from any insult or outrage on coming ashore." The correspondence, up to this point, reflected the tensity of the situation, and the animosity against the "Gaspee" aroused within a short time after her appearance in Rhode Island waters. The searching of packet boats plying wholly within the waters of the bay could scarcely be justified without reasonable evidence that they carried cargoes that could be identified as smuggled.

Lieutenant Dudingston reported his correspondence with Governor Wanton to Admiral Montagu at Boston; the latter wrote to Governor Wanton early in April, asserting that the "Gaspee" had been sent to Rhode Island "to protect your province from pirates, and to give the trade all the assistance he can, and to endeavor, as much as lays in his power, to protect the revenue, and to prevent (if possible) the illicit trade that is carrying on at Rhode Island." The Admiral continued: "He, sir, has done his duty, and behaved like an officer; and it is your duty as a governor to give him your assistance, and not to distress the King's officers from strictly complying with my order. I shall give them directions that, in case they receive any molestation in the execution of their duty, they shall send every man so taken in molesting them, to me. I am also informed the people of Newport talk of fitting out an armed vessel to rescue any vessel the King's schooners may take carrying on an illicit trade. Let them be cautious what they do, for, as soon as they attempt it, and any of them are taken, I will hang them as pirates. I shall report your two insolent letters to my officer, to his majesty's secretaries of state, and leave them to determine what right you have to demand a sight of all orders I shall give to all officers of my squadron; and I would advise you not to send your sheriff on board the King's ship again, on such ridiculous errands. The captain and lieutenant have all my orders, to give you assistance whenever you demand it, but further, you have no business with them; and, be assured, it is not their duty to show you any part of my orders or instructions to them."

The Governor's answer was worthy of a Wanton: "Lieutenant Dudingston has done well in transmitting my letters to you, which I sent him; but I am sorry to be informed there is anything contained in them that should be construed as a design of giving offence, when no such thing was intended. But Mr. Dudingston has not behaved so well, in asserting to you 'he waited on me, and showed me the admiralty and your orders for his proceedings, which agreeably to his instructions, he is so to do'; but in that he has altogether misinformed you; for he at no time ever showed me any orders from the admiralty or from you; and positively denied that he derived any authority either from you or the commissioner; therefore, it was altogether out of my power to know, whether he came hither to protect us from pirates, or was a pirate himself. You say 'he has done his duty, and behaved like an officer.' In this I apprehend you must be mistaken; for I can never believe it is the duty of an officer to give false information to his superiors. As to your attempt to point out what was my duty as

Governor, *please be informed that I do not receive instructions for the administration of my government from the King's admiral stationed in America.* . . . The information you have received 'that the people of Newport talked of fitting out an armed vessel to rescue any vessel the King's schooner might take carrying on an illicit trade,' you may be assured is without any foundation, and a scandalous imposition; for, upon inquiring into this matter I cannot find that any such design was ever conceived, or so much as talked of; and, therefore, I hope you will not hang any of his majesty's subjects belonging to his colony upon such false information. I am greatly obliged for the promise of transmitting my letter to the secretaries of state. I am, however, a little shocked at your impolite expression, made use of upon that occasion. In return for this good office I shall also transmit your letter to the secretary of state, and leave to the King and his ministers to determine on which side the charge of insolence lies. As to your advice not to send the sheriff on board any of your squadron, please to know that I will send the sheriff of this colony at any time, and to any place within the body of it, as I shall think fit. In the last paragraph of your letter, you are pleased *flatly to contradict* what you wrote in the beginning; for there you assert that Dudingston, by his instructions, was directed to show me the admiralty and your orders to him; and here you assert that I have no business with them; and assure me that it is not his duty to show me them, or any part thereof."

Governor Wanton, in conformity with a vote of the General Assembly, transmitted the correspondence to London in May, with a letter relating the circumstances, and an additional cause for complaint: "It is now my turn to complain of Mr. Dudingston's illegal proceedings in carrying a quantity of rum he had seized on board a small boat, lying within the county of Kent, in this colony, to Boston, for trial; notwithstanding, by the Eighth of his majesty, it is expressly declared that all forfeitures of this kind shall be tried in that colony where the offence is committed." Dudingston in a letter to Montagu referred to this seizure of twelve hogsheads of rum as "a bait the inhabitants of this government would willingly put in my way if that could fix the schooner," adding, "I could expect no quarter from people of that stamp. On the 20th the sloop was condemned. I have taken the liberty to enclose my letter to the commissioners for your perusal, open; as it was the intention of the people here, to have the sloop sold in the manner they have been used to, and which always falls into the old owner's hands, without opposition."

The Governor's letter to Hillsborough continued: "To recite every particular of his unwarrantable procedure would, my lord, be too tedious. Let it then suffice, that since the 'Gaspee' and 'Beaver' have been stationed in this colony the inhabitants have been insulted without any just cause, with the most abusive and contumelious language; and I am sorry that I have reason to say that the principal officers belonging to said vessels have exercised that power with which they are vested, in a wanton and arbitrary manner, to the great injury and disturbance of this colony. I have, my lord, constantly afforded the King's officers all the assistance in my power in the legal discharge of their trust; but if any of them, through prejudice, ignorance of their duty, or youthful indiscretion, insult this colony, it is my duty as his majesty's Governor to remonstrate against it."

The "Gaspee" continued to harass Rhode Island commerce; so far as it was possible to do so, it overhauled, boarded and searched for contraband every vessel entering or leaving any Rhode Island harbor, particularly Providence vessels and small boats plying between Newport and places up the bay and rivers. Relatively the results were meagre in captures and confiscations. While there was smuggling in Rhode Island waters unquestionably, most of the traffic was lawful and regular. Besides that, Rhode Island captains were resourceful sailors, and soon learned methods of avoiding or escaping the "Gaspee." Decoys were used to draw the "Gaspee" off on merry chases, while other vessels took advantage of the distraction to sail without molestation. The English officers and their crew were overbearing and insulting in their

demeanor; the delays incident to searches were vexatious, and interfered seriously with the regular sailings of packets, planned to take full advantage of favoring winds and tides. Newport seethed with wrath at the prospect of a summer of discontent; in Providence the townspeople were being welded into a solidarity of hatred, easily stirred to determined action should occasion arise—as it did. Dudingston and the “Gaspee” were exactly the irritants needed to keep alive in Rhode Island the opposition to the English policy of taxing the colonies. Dudingston himself very wisely ventured not ashore; had he escaped the summary reprisals visited upon other upstart and unpopular English naval officers, he would have been arrested in civil actions for damages arising from his illegal and wholly unwarranted interference with perfectly legitimate shipping. The exchange of correspondence between him and Governor Wanton, and between the latter and Admiral Montagu indicated that little alleviation of the nuisance could be expected through the ordinary channels of official action.

The day of reckoning for Dudingston and the “Gaspee” came early in June. On the eighth the “Hannah,” Providence sloop, Captain Benjamin Lindsey, from New York, sailed into Newport harbor, was entered at the custom house, and cleared to sail for Providence. On the following day, the ninth, about noon, Captain Lindsey beat out of Newport harbor, and was followed shortly after by the “Gaspee.” Within a short time it became certain that Dudingston purposed overhauling the “Hannah.” The latter was a good sailor, built on the lines that had given Rhode Island vessels a reputation for speed, and Captain Lindsey had no intention of submitting to search while it was possible to outwit Dudingston and outsail the “Gaspee.” Perhaps he planned exactly what happened later. After assuring himself that the “Hannah” was more than a match for the “Gaspee,” he permitted the latter to draw nearer, always avoiding the risk of a shot from the “Gaspee’s” cannon. Besides the advantage of speed, the “Hannah,” being of lighter draft than the “Gaspee,” could reach longer and farther into shoal water as she tacked up the bay against a fresh wind blowing from the north. Captain Lindsey soon observed that the “Gaspee” was following the “Hannah” almost recklessly, her pilot depending apparently upon Captain Lindsey’s knowledge of the water rather than soundings or other observation. At Namquit Point, since known as Gaspee Point, Captain Lindsey hove the “Hannah,” which had been pointing east, sharply to the west, seemingly to elude the “Gaspee,” which was then in close pursuit. Captain Lindsey warily avoided shoal water and cleared the spit adroitly, but succeeding in enticing the “Gaspee,” following heedlessly, so that the latter ran hard aground on the sand bar. The tide was then about two hours ebb and falling fast; the “Gaspee” was caught securely, with no prospect of escape short of returning high water some eight hours later, perhaps ten hours later because of the strong suction of the sand as the vessel settled.

Taking care not to expose the “Hannah” to the broadside of the “Gaspee,” Captain Lindsey continued on to Providence, where he hastened to report to John Brown, owner of the “Hannah,” the mishap of the “Gaspee.” It was then near dusk of the late June afternoon, and John Brown calculated that the “Gaspee” could not be moved earlier than midnight, perhaps three o’clock in the morning. John Brown, merchant, immediately became leader in an enterprise planning the destruction of the “Gaspee.” Associated with him were Captain Abraham Whipple, Captain John B. Hopkins, son of Esek Hopkins, and nephew of Stephen Hopkins, and others of the merchants and mariners and professional men of the town, including among the latter John Mawney, a surgeon, who, although enlisted in his professional capacity, appears to have taken his part manfully in the hard, decisive combat on the “Gaspee.” Drummers were sent through the principal streets of the town, announcing the grounding of the “Gaspee,” and calling for volunteers in an expedition against her, to meet at the tavern kept by James Sabin, at what is now the northeast corner of South Main and Planet Streets. Meanwhile John Brown had sent messengers to borrow or commandeer eight five-oared longboats, and gather

them at Fenner's Wharf, near the tavern. The early evening hours were spent in the tavern, planning carefully the details of the enterprise, while some of the party gathered in the kitchen, melting lead and casting bullets. At ten the party, including men who were described by Dudingston later as well-dressed gentlemen, with ruffled shirts and hair tied back and powdered in the prevailing fashion, embarked with sturdy sailors at the oars, and a sea captain at the steering oar of each of the longboats. No disguises were worn, but the members of the expedition were sworn to secrecy. John Brown had planned the enterprise and was a member of the party; Captain Abraham Whipple was immediately in command. With oars and thole pins muffled, the long, hard pull down the river against the rising tide was undertaken without lights, and with silence enjoined on all.

Nearing the "Gaspee," care was taken to assemble the longboats in order for the attack, which was bow on against the bows of the "Gaspee," thus to avoid a broadside from the batteries of four guns on each side. Sixty yards away, the bow watch on the "Gaspee" challenged the Providence party, but was not answered, as the flotilla moved closer. A second challenge, also unanswered, brought Lieutenant Dudingston on deck without his coat. Again the call, "Who comes there?" and Captain Whipple answered: "I want to come on board." "Stand off, you can't come on board," shouted Dudingston, and Whipple thundered back, "I am the sheriff of the county of Kent. I am come for the commander of this vessel, and have him I will, dead or alive; men, spring to your oars!" Shots were fired from the "Gaspee," and answered from the boats. Dudingston, marked by his white shirt as he fought to repel boarders, fell to the deck with wounds in the groin and arm, from a musket fired by Joseph Bucklin. *Thus was the first British blood shed in the Revolution*, on the morning of June 10, 1772, in the waters of Rhode Island. The attack had been well planned, and the Providence men were courageous. The onset was vigorous, the boarders were quickly away and soon clambering over the bows and gunwales. With fists, clubs, stones and handstaves, principally, they quickly swept the deck and drove the crew of the "Gaspee" below deck. There was little recourse to firearms after the first exchange of shots, because of the danger to friends battling foes in hand-to-hand combat. Lieutenant Dudingston was carried to his cabin, and the members of his crew were securely tied.

There was no formal surrender; the "Gaspee" had been taken by force. Dr. Mawney, tearing his own shirt into strips to make the first bandage, dressed Dudingston's wounds and staunched the flow of blood. Dudingston was landed at Pawtuxet and taken to the home of Joseph Rhodes. His crew, after gathering clothing and other belongings, were landed on the Warwick shore. The "Gaspee" was then set on fire, and burned to the water's edge after her shotted guns had fired their last salvo, as the flames licked their sides, heated the barrels and exploded the charges. Lieutenant Dudingston heard the cannon from the shore. The Providence men rowed home and dispersed silently. A tradition persists in Bristol that a boat from that town, commanded by Simeon Potter, redoubtable captain of the "Prince Charles of Lorraine," privateer, joined the "Gaspee" party. While the distance between Providence and Bristol, and the lateness of the hour at which the "Hannah" reached Providence, preclude the probability that John Brown dispatched a message to Simeon Potter requesting assistance by Bristol men, Simeon Potter was a resourceful mariner and might have been present, nevertheless.

Immediately upon receiving news of the burning of the "Gaspee," Deputy-Governor Sessions visited Lieutenant Dudingston at Pawtuxet, to offer assistance and to get "a declaration from his own mouth" respecting the affair. Dudingston seemed to have lost the haughtiness and overbearing disposition that had added insult to injury in his treatment of Rhode Island captains and crews previously. He refused to talk, both because of his serious illness and because of his duty to report first to his commanding officer. He anticipated court-martial

because of losing his vessel; on his return to England a court-martial acquitted him. The Deputy-Governor obtained affidavits from two of the crew of the "Gaspee"; they were unable to identify any of the attacking party. On June 12, Governor Wanton offered a reward of £100 sterling to any person or persons "who shall discover the perpetrators of the villainy." Admiral Montagu examined Midshipman Dickinson of the "Gaspee," and sent to Governor Wanton a long affidavit signed by Dickinson. Captain Linzee of the "Beaver," sloop, obtained the statement of a mulatto slave, Aaron Briggs, in which the latter named John Brown and Joseph Brown, of Providence, Simeon Potter of Bristol, Doctor Weeks of Warwick, and \_\_\_\_\_\* Richmond of Providence. When a copy of this affidavit was sent to Governor Wanton he took steps to investigate, and obtained affidavits discrediting the slave's statement and tending to prove that the latter, far from being near the "Gaspee," was actually in bed on Prudence Island, when the attack occurred. Governor Wanton also requested Captain Linzee to send the slave ashore for examination by the civil authority as a basis for indictments, but Linzee refused to deliver the slave to the deputy sheriff who served a warrant, and treated the deputy sheriff in an insulting and abusive way. The testimony of the slave was thoroughly discredited by the evidence collected by Governor Wanton. Subsequently the slave confessed that he had taken advantage of an opportunity to board the "Beaver" while the latter lay near Prudence Island on the day following the burning of the "Gaspee"; that he hoped thus to escape from slavery; that he had been threatened by Captain Linzee with hanging from the yard arm of the "Beaver" unless he told all he knew about the "Gaspee"; and that he had made the deposition under duress. Lieutenant Dudingston himself was sued in a civil action for damages for sending one of his captures to Boston for trial, in defiance of an act of Parliament requiring condemnation proceedings in the nearest admiralty court; the judgment was entered against him.

The destruction of the "Gaspee" has been referred to as the Lexington of the sea, in the sense that it was a demonstration in arms by irregularly organized colonial forces against the organized naval force of his majesty. As such it was the turning point in the critical period. From June 10, 1772, the trend in America was distinctly toward what appeared to be an inevitable recourse to war. The liberty party in America found in the "Gaspee" affair a vindication of the freeman's right to resist tyranny, and drew from it a renewed devotion; loyalists made the destruction of the "Gaspee" a pretext for fresh effort to induce England to resort to force of arms to quell the American movement, and particularly for an attack upon Charter government. Governor Hutchinson of Massachusetts urged revocation of the Charter of Rhode Island. "The persons who were immediate actors," he wrote of the "Gaspee" affair, "are men of estate and property in the colony. A prosecution is impossible. If ever the government of that colony is to be reformed, this seems to be the time; and it would have a happy effect in the colonies which adjoin it." In another letter he wrote: "So daring an insult as burning the King's schooner by people who are as well known as any who were concerned in this last rebellion, and yet cannot be prosecuted, will certainly rouse the British lion, which has been asleep these four or five years." The British lion had been aroused, and extraordinary measures were prepared as the means whereby to discover those who had burned the "Gaspee" and to punish them. The King, on August 26, 1772, offered a reward of £500 for the discovery of the persons concerned in the "Gaspee" affair; an additional reward of £500 for the discovery of the persons "who acted as or called themselves, or were called by their accomplices, the head sheriff or the captain"; and an additional £500 for any member of the expedition except the two leaders, who should discover their companions. Neither this offer nor the reward offered earlier by Governor Wanton elicited any response, although, because

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\*Probably Barzillai.

there had been no concealment or disguise, the members of the "Gaspee" party were well known in Providence, but not to all its citizens. Moses Brown did not know for years afterward that his brother, John Brown, had been the leader or even a member of the "Gaspee" party.

A special commission, consisting of Governor Wanton, the Chief Justices of New York, New Jersey and Massachusetts, and the judge of the vice admiralty court at Boston, was appointed to inquire into and report "all the circumstances relative to the attacking, plundering and burning of the 'Gaspee,' schooner." It was ordered that the persons concerned should be taken to England for trial, after first being delivered into the custody of Admiral Montagu. The accused were to be allowed to procure witnesses; these witnesses, "together with all such as may be proper to support the charges against them, will be received and sent hither with the prisoners." The commission was to be supported, should occasion arise, by General Gage and the British army then in America, and by Admiral Montagu and the fleet. The commission met at Newport on January 5, 1773, and continued to hold daily session, Sundays excepted, until January 22. It reassembled on May 26, and in June submitted a record of the testimony taken by it to the justice of the Superior Court of Rhode Island. The justices discredited the testimony of the slave, Aaron Briggs, as contradicted, and as obtained in the first instance by Captain Linzee's threat of "hanging him at the yard arm if he would not discover who the persons were that destroyed the 'Gaspee.'" The justices found: "Upon the whole we are all of opinion that the several matters and things contained in said depositions do not induce a probable suspicion that the persons mentioned therein, or either or any of them, are guilty of the crime aforesaid." The commission reported to the King its inability to discover any tangible evidence that would justify an indictment or support a prosecution. Indeed, there was nothing finer connected with the "Gaspee" affair than the fact that no one was found who could be induced by the liberal rewards offered to testify against the leaders and other members of the expedition. The episode was most remarkable for this magnificent demonstration of loyalty. The commissioners, in spite of their failure to elicit testimony, found nothing of which to complain in the attitude or conduct of Rhode Island's Governor or other officers, including the Deputy Governor, and the members of the judiciary. In its report the commission emphasized, as provocation for the "Gaspee" affair, the high-handed conduct, abusive insolence and atrocious behavior of Dudingston in all his relations with the people of Rhode Island; and generally the overbearing and insulting attitude of English officers in dealing with Americans, as reasons for exasperation. The commissioners' report was revealing in this respect of the causes for unrest in America arising from the disposition of English officers to disregard utterly the legal rights of American colonial officers and inhabitants, and from their unveiled contempt for law and for officers attempting to enforce law. Had wise counsels prevailed in England, the King's ministers could have read in the dignified report of the commission a lesson in diplomacy and statesmanship that the ministry sadly needed to learn, but appeared to be incapable of understanding. Perhaps it was personal loyalty to a King, whose sanity was doubtful, and whose obsession to rule approached madness, which blindfolded his ministers at a time when clear vision was the pressing need of the moment.

**EFFECT ELSEWHERE**—If the "Gaspee" affair awakened patriots to enthusiasm by the boldness of the stroke at tyranny and oppression, the appointment of the commission, and the procedure outlined for sending to England suspects and witnesses as prisoners aroused them to fury. The commission was the match needed to light a conflagration from Maine to Georgia. A writer in the "Providence Gazette" of December 26, 1772, signing himself "Americanus," said: "A court of inquisition, more horrid than that of Spain or Portugal, is established within this colony to inquire into the circumstances of destroying the 'Gaspee,' schooner; and the persons who are the commissioners of this new-fangled court, are vested with most exorbitant and unconstitutional powers. They are directed to summon witnesses, apprehend persons not

only impeached, but even suspected ! and them, and every of them, to deliver to Admiral Montagu, who is ordered to have a ship in readiness to carry them to England, where they are to be tried. . . . Is there an American in whose breast there glows the smallest spark of public virtue, but who must be fired with indignation and resentment against a measure so replete with the ruin of our free constitutions? . . . My countrymen, it behooves you, it is your indispensable duty to stand forth in the glorious cause of freedom, the dearest of all your earthly enjoyments ; and, with a truly Roman spirit of liberty, either prevent the fastening of the infernal chains now forging for you, and your posterity, or nobly perish in the attempt. To live a life of rational beings is to live free ; to live a life of slaves is to die by inches. Ten thousand deaths by the halter or the axe are infinitely preferable to a miserable life of slavery in chains, under a pack of worse than Egyptian tyrants, whose avarice nothing less than your whole substance and income will satisfy ; and who, if they can't extort that, will glory in making a sacrifice of you and your posterity, to gratify their master, the devil, who is a tyrant, and the father of tyrants and liars."

The "Gazette" of the period printed much of a similar strain in the form of extracts from alleged letters—a favored form of editorial writing in a period in which danger lurked in prosecution for treasonable utterance and criminal libel. The drastic, unconstitutional methods resorted to in England to silence Wilkes had not failed to teach Americans lessons in procedure which they used to good advantage in avoiding responsibility for direct assertion, which could be made with almost equal effect through indirect relation. The towns of Dorchester and Ipswich, Massachusetts, adopted resolutions in town meeting condemning the royal commission as "destructive of the main pillars of the British constitution," and "an infringement upon the liberty of the subject, and of the most dangerous consequence, as the constitution has already provided a method for the trial of these and all other offenders." In the frequent reference to a constitution embodying principles of law paramount to the legislative authority of Parliament may be traced the steady development of an idea that bore fruit in America in the adoption of state and federal constitutions. The idea was very old in Rhode Island ; it had been enunciated in the very first instance in which Rhode Island asserted a right existing under the Charter that was paramount to other authority ; it had been maintained for a century previous to 1776 in relations with the English government.

VIRGINIA AND RHODE ISLAND RESOLUTIONS PROPOSE UNION—The appointment of the "Gaspee" Commission was the occasion for revival of the committees of correspondence, and for the adoption of resolutions by colonial assemblies that marked a nearer advance to union and independence. On March 12, 1773, the House of Burgesses of Virginia adopted resolutions creating a standing committee of correspondence, including Peyton Randolph, Richard Henry Lee, Patrick Henry, Thomas Jefferson and seven others, "to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of the administration, as may relate to or affect the British colonies in America ; and to keep up and maintain a correspondence and communication with our sister colonies respecting these important considerations ; and the results of such their proceedings, from time to time to lay before this house." It was further "resolved to instruct the committee, without delay, to inform themselves particularly of the principles and authority on which was constructed a court of inquiry, said to have been lately held in Rhode Island, with powers to transport persons accused of offences committed in America to places beyond the seas to be tried." These resolutions were sent to Rhode Island by Peyton Randolph, Speaker of the Virginia House of Burgesses, and laid before the General Assembly at the May session. The Assembly adopted resolutions (1) creating a standing committee of correspondence, including Stephen Hopkins, Metcalfe Bowler, Moses Brown, John Cole, William Bradford, Henry Marchant and Henry Ward, and (2) requesting the Governor to deliver to the com-

mittee a copy of his commission as one of the members of the court of inquiry and of other papers relating to the investigation of the "Gaspee" affair. The Virginia and Rhode Island resolutions, and a report of the proceedings of the "Gaspee" commission were sent to other popular assemblies, which in turn ratified and adopted the joint resolutions and appointed committees of correspondence. New Hampshire and Massachusetts joined Virginia and Rhode Island in May; Connecticut acted in June; South Carolina, in July; Georgia, in September; Maryland and Delaware, in October; North Carolina, in December; New York, in January; New Jersey, in February; Pennsylvania was last of the thirteen, in July. The order of ratification is related to the time of assembly sessions rather than to willingness or reluctance to join in the common cause. The fact that is significant for Rhode Island is that it was the daring exploit of some of her citizens in the destruction of the "Gaspee" that had started this movement, which had produced a complete organization for defence preliminary to a union for aggressive action. The letter written by Metcalfe Bowler, Speaker of the Rhode Island House of Deputies, to accompany the copy of the Rhode Island resolutions sent to Virginia and other colonies, reported the Rhode Island House of Deputies as "persuaded that *nothing less than a firm and close union of the colonies in the most spirited, prudent and consistent measures can defeat the designs of those who are aiming to deprive them of their inestimable rights and privileges.*" Massachusetts echoed the proposal for union in a resolution that "it has, for many years, been the policy of the administration to disunite, in order to govern the colonies; and this house is well assured that had the firm and lasting union now in prospect taken place early in the controversy, Great Britain and the colonies would at this day have harmonized most happily together." The Speaker of the South Carolina House wrote: "As a close and firm union of the colonies is most certainly necessary for the general welfare, so ought the general endeavors of the whole to be exerted in averting the dangers threatened to any part." Maryland reported its house as "sensible of the great utility of a perfect union among the colonies." North Carolina favored "united efforts and most strenuous endeavors to preserve the just rights and liberties of the American colonies." By the time that Pennsylvania incorporated in its resolution one favoring a congress of the colonies, other events had occurred to help make straight the way for union.

THE TAX ON TEA AND BOSTON PORT BILL—England's persistent retention of the tax on tea as a precedent to support the theory of an imperial parliament was equalled by American resistance, which avoided the tax by refusal to import tea. In the battle for principle between a nation with a reputation for stubbornness and colonies that had inherited much of the same characteristic from the mother country, the East India Company was the actual sufferer, through loss of a most profitable market. Action to relieve warehouses, bulging with tea intended for sale in America, was necessary, and Parliament, with the twofold purpose of overcoming American opposition and of assisting the East India Company, adjusted its trade policy so that tea, while still subject to the import duty of three pennies a pound, could be sold in America at price concessions that should, under ordinary circumstances, stimulate the trade. Large shipments to America were planned. Citizens of Philadelphia, selected as a port for entry of tea, protested and adopted resolutions. Of Rhode Island towns, Newport, Providence, Warren, Westerly, Little Compton, Middletown, South Kingstown, Jamestown, Hopkinton, Bristol, Richmond, New Shoreham, Cumberland and Barrington, perhaps others, each in town meeting, adopted resolutions between January and March, 1774. The resolutions, while various in form, agreed generally in sustaining one proposition, to wit, that all persons concerned with importing, buying, selling, distributing or using taxed tea, were "enemies of their country." Several of the towns appointed committees of correspondence, thus participating in a movement rapidly extending at the period and forming the nuclei for the community revolutionary committees of later days. Boston expressed its disapproval of taxed tea through the tea party of December 16, 1773, and Parliament answered Boston by

closing the port to commerce after June 1, 1774. This fresh threat to America was promptly recognized and appraised in Rhode Island; Newport, on May 20, adopted resolutions, including the following: "That we consider this attack upon them as utterly subversive of American liberty, for the same power may at pleasure destroy the trade, and shut up the ports of every colony in its turn, so that there will be a total end of all prosperity." Other towns joined with Newport in resolutions condemning the port bill, and as privation stared the people of Boston in the face and many in the Massachusetts town were reduced to starvation, Rhode Island towns did more than pass resolutions of sympathy; Scituate, Gloucester, Smithfield, Johnston, East Greenwich, Tiverton, South Kingstown, Providence, Newport, Cranston, North Kingstown, Warwick, Bristol, North Providence and Little Compton sent assistance totalling £447 in money, besides 816 sheep and 13 oxen. In addition, large individual contributions of money were made by generous Rhode Islanders.

The Boston port bill was followed by other measures planned to punish Boston and overawe America; thus, General Gage was appointed Governor of Massachusetts; charter government was suspended in Massachusetts and power was centralized in the Governor; town meetings, except annual meetings to elect municipal officers, were abolished; troops were quartered in Boston, and billeted in the homes of the inhabitants. Affecting America generally, English officers, civil and military, who might be charged with murder in sustaining governmental authority, were ordered sent to England or Nova Scotia for trial, to relieve them of the ordeal of facing American juries. Parliament saved Canada for the empire, and thus robbed America of the fourteenth colony, by passing the Quebec act, which restored the civil law, returned and guaranteed church property to the Roman Catholic Church, and extended the boundaries of Canada west to the Mississippi and south to the Ohio. This not only prepared the way for the failure of the American diplomatic mission sent to Canada soon after the Revolution was in progress, but also aroused rancor among American Protestants who were vigorously intolerant and strengthened some of them in opposition to the mother country. The Quebec act was *not* one of the causes of the Revolution in Rhode Island, which still maintained the faith of the founders that a "civil state may stand and best be maintained with full liberty in religious concerns." The Quebec act was a toleration measure.

UNION OF AMERICA PROPOSED—A special town meeting was held in Providence on May 17, 1774, at which resolutions dealing with the port bill situation were adopted, including the following: "That this town will heartily join with the Province of Massachusetts Bay and the other colonies in such measures as shall be generally agreed on by the colonies for the protecting and transmitting the same to the latest posterity. That the Deputies of this town be requested to use their influence at the approaching session of the General Assembly of this colony, for promoting a congress, as soon as may be, of the representatives of the general assemblies of the several colonies and provinces of North America, for establishing the firmest union, and adopting such measures as to them shall appear the most effectual to answer that important purpose, and to agree upon public methods for executing the same." *This was the first official action taken by any legally organized political agency proposing a congress and a permanent union of the colonies.* On May 28, the Virginia committee of correspondence, following the dissolution of the House of Burgesses for sedition, wrote to committees in the other colonies: "The propriety of appointing delegates from the several colonies of British America to meet annually in general congress, appears to be a measure extremely important and extensively useful, as it tends so effectually to obtain the united wisdom of the whole, in every case of general concern. We are desired to obtain your sentiments on the subject, which you will be pleased to furnish us with." The Connecticut committee of correspondence, under date of June 3, urged "that a congress is absolutely necessary, previous to almost every other measure." Massachusetts, on June 17, issued a call for a convention

to meet in Philadelphia on September 1. Rhode Island had acted earlier in the month by appointing Stephen Hopkins and Samuel Ward "to represent the people of this colony in a general congress of representatives from the other colonies, at such time and place as shall be agreed upon by the major part of the committees appointed or to be appointed by the colonies in general." *These were the first delegates elected to the Congress of 1774.*

At the same session the General Assembly adopted the following resolutions: "This Assembly, taking into the most serious consideration several acts of the British Parliament for levying taxes upon his majesty's subjects in America without their consent, and particularly an act lately passed for blocking up the port of Boston; which act, even upon the supposition that the people of Boston had justly deserved punishment, is scarcely to be paralleled in history for the severity of the vengeance executed upon them; and also considering to what a deplorable estate this, and all the other colonies are reduced when, by an act of Parliament, in which the subjects in America have not a single voice, and without being heard, they may be divested of property, and deprived of liberty; do, after mature deliberation, resolve: That it is the opinion of this Assembly that a firm and inviolable union of all the colonies, in councils and measures, is absolutely necessary for the prevention of their rights and liberties; and that, for that purpose, a convention of representatives from all the colonies ought to be holden in some suitable place, as soon as may be, in order to consult upon proper measures to obtain a repeal of the said acts; and to establish the rights and liberties of the colonies upon a just and solid foundation." The delegates were instructed to join with other delegates in preparing a petition to the King for redress of America's grievances; to "consult and advise upon all such reasonable and lawful measures as may be expedient for the colonies in a united manner to pursue in order to procure a redress of their grievances, and to ascertain and establish their rights and liberties; and to endeavor "to procure a regular and annual convention of representatives from all the colonies to consider of proper means for the preservation of the rights and liberties of the colonies."

Rhode Island had been earliest to propose, through the Providence town meeting, the Congress; first to elect delegates, and first to enunciate clearly, in the resolutions adopted by the General Assembly, the plan for regular, annual meetings of Congress and the purposes thereof. In December, 1774, the General Assembly received the report of its delegates to the Continental Congress held at Philadelphia on September 5, and approved it. At the same session Stephen Hopkins and Samuel Ward were reappointed as delegates to attend the Congress called to meet at Philadelphia on May 10, 1775. The Assembly expressed itself in resolutions as "being determined to coöperate with the other colonies on every proper measure for obtaining a redress of the grievances and establishing the rights and liberties of the colonies upon an equitable and permanent foundation." The delegates were directed "to enter into and adopt in behalf of this colony all reasonable, lawful and proper measures for the support, defence, protection and security of the rights, liberties and privileges, both civil and religious, of all the said colonies, or any of them."

**MILITARY PREPARATIONS**—The probability of recourse to arms in determining the questions at issue and in defence of the colony was foreseen as early as May, 1773, when provision was made for repairing "all the platforms for the guns at Fort George agreeably to the directions of John Jepson and Captain Esek Hopkins"; six new gun carriages were ordered for the cannon that belonged to the colony sloop. A year later, in June, 1774, at a session of the General Assembly at which a resolution was adopted, condemning the Boston port bill as a "direct violation of the rights and liberties" of the people, an independent military company, the Light Infantry for the county of Providence, was chartered. The remainder of the year of 1774 bristled with military activity. Five independent companies—the Newport Light Infantry, the Providence Grenadiers, the Kentish Guards, the Pawtuxet Rangers, and the Light Infantry of Gloucester—were chartered in October; at the same session the regiment of

militia in Providence County was divided into "three distinct regiments . . . forming the whole into one brigade." The Scituate Hunters, the Train of Artillery of Providence County, the Providence Fusiliers and the North Providence Rangers were chartered in December. The Train of Artillery and the Providence Fusiliers were combined as the United Train of Artillery in April, 1775. A share in the colony arms stored in Newport was apportioned to Providence County in August, 1774, the arms to be lodged at the Colony House in Providence; in December the colony arms were further apportioned to all the several counties, and those in Providence to the several towns in the county.

Except two eighteen-pounders and one six-pounder and a small quantity of powder and shot to serve them, all the cannon, and all the powder, shot and stores at Fort George were removed to Providence early in December. Captain Wallace of H. M. S. "Rose," then stationed in Narragansett Bay and adjacent waters, returning on December 11 from a cruise to New London, found the cannon gone and reported thus to Vice Admiral Graves: "Since my absence from this place (Newport), I find the inhabitants (they say here of Providence) have seized upon the King's cannon that was upon Fort Island, consisting of six twenty-four pounders, eighteen eighteen-pounders, fourteen six-pounders, and six four-pounders (the latter, they say, formerly belonged to a province sloop they had here), and conveyed them to Providence. A procedure so extraordinary caused me to wait upon the Governor to inquire of him, for your information, why such a step had been taken. He very frankly told me they had done it to prevent their falling into the hands of the King or any of his servants; and that they meant to make use of them to defend themselves against any power that shall offer to molest them. I then mentioned if, in the course of carrying on the King's service here, I should ask assistance, whether I might expect any from him or any others in the government. He answered, as to himself, he had no power; and in respect to any other part of the government I should meet with nothing but opposition and difficulty. So much from Governor Wanton. . . . Among some of votes you will find they intend to procure powder and ball and military stores of all kinds, whenever they can get them."

The Assembly had voted to empower the captain of the Train Artillery "to purchase at the expense and for the use of the colony, four brass cannon, four-pounders, with carriages, implements and utensils necessary for exercising them, and that they be lent to the said company to improve them in the exercise of cannon"; and had also voted to appoint a committee "to purchase as soon as may be, at the expense and for the use of the colony, 300 half-barrels of pistol powder, each to contain fifty weight, three tons of lead and 40,000 flints, to be deposited in such place or places as the Honorable Darius Sessions, Esq., Deputy Governor of this colony, shall direct, and to be delivered to the several colonels of the militia, and the colonels of the independent companies in this colony, so that each soldier, equipped with arms, according to law, may be supplied with such quantities thereof as by law is directed." Darius Sessions was to deliver powder, lead and flints as directed. The firing of cannon or small arms, except on public occasions, and for target practice, was forbidden the militia and independent companies as a measure for saving powder; and it was recommended "to all the inhabitants of this colony that they expend no gunpowder for mere sport or diversion or in pursuit of game." Simeon Potter of Bristol, was appointed Major General of the colony forces, and the militia act was amended in such manner as to require every enlisted soldier to have a gun and bayonet, to provide for monthly training days, and to provide for two general musters annually in April and October. The amended militia act carried also the significant provision: "That the captain general, lieutenant general and major general, or any two of them, be, and they are hereby, fully authorized and empowered to direct and order when, and in what manner, the forces within this colony *shall march to the assistance of any of our sister colonies when invaded or attacked*; and also in what manner the said forces shall be provided and supplied; and also to direct and make use of the cannon

belonging to the colony, *either in or out of the colony*, as they may deem expedient." Rhode Island was thus committed to a policy of "preparedness" at the end of 1774. The session of December in that year closed with the granting of a lottery to assist Jeremiah Hopkins of Coventry, gunsmith, in furnishing himself with "such works, tools and instruments as are necessary for carrying on the said business . . . so as to make guns or small arms with advantage to himself and to others, by whom guns are much wanted at this time, when they cannot be imported from Great Britain."

CONDITION OF COLONY PRECEDING THE REVOLUTION—The total population of Rhode Island in 1774 was 59,678, of whom 54,435 were white, 3761 black, and 1482 Indian. County populations were as follows: Providence, 19,206; Newport, 15,929; King's, 13,866; Kent, 7888; Bristol, 2789. Newport was the largest town, with 9209 inhabitants. Other towns with more than 2000 inhabitants were: Providence, 4321; Scituate, 3601; Gloucester, 2945; Smithfield, 2888; South Kingstown, 2835; North Kingstown, 2472; Warwick, 2438; Coventry, 2023. One new town had been created in the decade since the close of the French and Indian War, when Barrington was set off from Warren in 1769. Petitions for the incorporation of parts of Warwick and Cranston as Pawtuxet (1765), and of the part of Providence lying west of the river as Westminster (1770) had not found favor with the General Assembly. Recovering from economic losses during the French and Indian War and from financial disturbances incident to the process of replacing an inflated paper currency with coin had been rapid. Newport had become most prosperous, with 11,000 population in 1769, seventeen manufactories of sperm oil and candles, five rope walks, three sugar refineries, one brewery, and twenty-two rum distilleries, according to Bull. Five to six hundred vessels traded from Newport, including nearly 200 engaged in foreign commerce, and over 300 in coastwise commerce. Yet in competition between the towns for the location of Rhode Island College, Newport lagged behind Providence in the amount of subscriptions and lost the prize. Manufacturing enterprises of considerable size had been established; a petition by members of the Greene family of Warwick, requesting the privilege of damming the Pawtuxet River without building fish ways (1770) recited the building of forges, anchor works and sawmills, employing upward of 100 persons. An evaluation of the colony in 1767 disclosed 8900 men over eighteen years of age, and property rated at £2,111,295 or \$7,037,652. The bulk of colony taxation in the ten years since the war had been applied to retiring paper currency; for the most part internal improvements were financed through lotteries, the proceeds of which were applied to building bridges and roads, paving streets, erecting courthouses, market-houses and wharves. Of quasi-public enterprises, churches were favorite beneficiaries of lotteries, sometimes for complete building and sometimes for a steeple, as in the instances of Trinity Church, Newport, and the Episcopal Church in Providence. In 1767, the parsonage of the Baptist Church at Warren was enlarged to accommodate the students of Rhode Island College then living with President Manning; in 1774, the General Assembly granted a lottery for the construction of the First Baptist Church in Providence, one of the noblest of colonial edifices in America, for the worship of Almighty God and for holding the public commencements of Rhode Island College. Lotteries were granted also for private purposes, to relieve poor debtors, to assist in providing capital for new enterprises, to reimburse for losses by fire, wreck and accident, including a lottery to replace the Greene enterprises at Warwick. The educational life of the colony was wholesome; the General Assembly chartered school societies, and occasionally assisted a school enterprise by lottery.

The incorporation of church societies indicated not only the development of settled churches with property interest, but also attention to the religious life of the people. Many denominations of Christians were represented in the liberal religious life of Rhode Island; and besides Christian churches, Hebrews had erected a synagogue in Newport, which was dedicated in 1763. God had showered blessings upon Rhode Island; in contemplation of the

loss of liberty and happiness, both threatened by the aggressive policy of England, the people turned to God: "Whereas the Supreme Being, upon account of our manifold sins, may have permitted the present invasions of American liberty, and every public evil with which we are threatened, it is therefore voted and resolved that Thursday, the thirtieth day of this instant June (1774) be set apart as a day of public fasting, prayer and supplication, throughout this colony, to beseech Almighty God to grant us sincere repentance; to avert threatened judgment from us, and restore us to the full enjoyment of our rights and privileges." The same General Assembly that thus ordered a day of fasting and prayer passed an act prohibiting the importation of negroes into the colony, opening with the following preamble: "Whereas the inhabitants of America are generally engaged in the preservation of their own rights and liberties, among which that of personal freedom must be considered as the greatest; as those who are desirous of enjoying all the advantages of liberty themselves should be willing to extend personal liberty to others."

MARCH TOWARD LEXINGTON—The outstanding measures for dealing with the situation in America arising from England's determination to tax the colonies and from the drastic enforcement of the Boston port bill were (1) a non-importation agreement operative against all goods originating in or manufactured in England or Ireland, (2) a non-exportation agreement supplementary to the non-importation agreement, and (3) military preparedness against invasion. To all of these Rhode Island was strongly committed. The year of 1775 opened with militia and independent military companies arming and drilling in all parts of the colony; and with the economic policy confirmed by the Continental Congress completely in effect. Committees of inspection paid frequent visits to merchants, and care was taken to inhibit so far as possible increase in prices because of scarcity of certain goods as supplies were depleted. Strict economy, and curtailment of extravagance and luxury, were requested of patriots. Tea, long boycotted, became an outlaw, not to be used after March 1, 1775; on March 2, 1775, 300 pounds of tea, collected from shops, stores, warehouses and homes in Providence, were burned in Market Square, Providence. The Providence tea party was a perfectly orderly and wholly lawful demonstration; the "Providence Gazette" in its next issue carried an obituary notice for "Madame Souchong." Rhode Island was quiet, but waiting watchfully, and all the time preparing earnestly.

When news of the battle of Lexington reached Rhode Island on the night of April 19, 1775, no time was lost; in the morning not less than 1000 armed and disciplined soldiers began to march toward Boston, among them the Kentish Guards, Nathanael Greene in the ranks, noticed particularly because of his limp, by John Howland who watched from the sidewalk. The Rhode Island troops returned after having crossed the colony line and marched into Massachusetts, where they were met by a message that the British army had been driven back into Boston and that the movement for the time being was at an end. The General Assembly met at Providence two days later, April 22. The session was called for urgent reasons and devoted principally to military measures. Twenty-five hundred pounds of powder and one-quarter part of the lead, bullets and flints belonging to the colony were apportioned to the towns. May 11 was designated as a day of "fasting, prayer and humiliation." Samuel Ward and William Bradford were sent to Connecticut to consult with the General Assembly there on "measures for the common defence of the four New England colonies." Nathanael Greene replaced Samuel Ward on this delegation, as the latter had already been reappointed a delegate to attend the Continental Congress, soon to meet at Philadelphia. Resolving "at this very dangerous crisis of American affairs; at a time when we are surrounded with fleets and armies, which threaten our immediate destruction; at a time when the fears and anxieties of the people throw them into the utmost distress and totally prevent them from attending to the common occupations of life; to prevent the mischievous consequences that must necessarily attend such a disordered state, and to restore peace to the minds of the good people of

this colony, it appears absolutely necessary to this Assembly that a number of men be raised and embodied, properly armed and disciplined, to continue in this colony as an army of observation, *to repel any insult or violence that may be offered to the inhabitants; and also, if it be necessary for the safety and preservation of any of the colonies to march out of this colony and join and coöperate with the forces of the neighboring colonies,*" it was voted to enlist 1500 men "with all the expedition and dispatch that the nature of the thing will admit." Against this measure Governor Wanton, Deputy Governor Sessions, and two Assistants, Thomas Wickes and William Potter, "professing true allegiance to his majesty King George III," protested "because we are of opinion that such a measure will be attended with the most fatal consequences to our Charter privileges; involve the country in all the horrors of a civil war; and, as we conceive, is an open violation of the oath of allegiance which we have severally taken upon our admission into the respective offices we now hold in the colony." As a precaution for safety because of the exposed situation of Newport, it was ordered that the election meeting of May, 1775, should be held in the Colony House in Providence.

**GOVERNOR WANTON DEPOSED**—Joseph Wanton was reelected as Governor in May, 1775, but did not attend the session of the General Assembly and was not engaged as Governor. He sent a message to the General Assembly, pleading "indisposition" as his reason for absence, and urging consideration of a compromise proposed in a resolution adopted by the House of Commons, February 27, 1775. This resolution promised exemption from duties, taxes and assessments to colonies which of and by themselves undertook to contribute a share of the expense of the common defence and to make provision for the support of civil government and administration of justice in the colonies, approved by his majesty and Parliament. This belated compromise offer was interpreted in America as a device intended to divide them and destroy the union. Not all of the colonies were as ready to fight for liberty as were Rhode Island and Virginia. The compromise had the appearance of a concession to the colonial assertion of an exclusive right to tax themselves. It was too late, however; no colonial assembly accepted the bait. Far from acceding to Governor Wanton's request, the General Assembly pursued the warlike policy inaugurated in the preceding year. Governor Wanton had neglected to issue the proclamation of May 11 as a day of fasting and prayer as ordered by the Assembly of April 22, and he refused to sign the commission for officers of the "army of observation." For these three reasons, that is: (1) neglect to take the engagement of office; (2) failure to proclaim the day of fasting, and (3) refusal to sign commissions, "by all which," the General Assembly resolved, "he hath manifested his intentions to defeat the good people of these colonies, in their present glorious struggle to transmit inviolate to posterity those sacred rights they have received from their ancestors," and expressly forbade the Deputy Governor and Assistants or any of them to administer the oath of office to Joseph Wanton unless in open and free Assembly and "with the consent of such Assembly," and declared that until Joseph Wanton took the oath "as aforesaid, it shall not be lawful for him to act as Governor of this colony in any case, whatsoever; and that every act done by him in the pretended capacity as Governor shall be null and void." The Governor-elect was thus suspended from office during the pleasure of the General Assembly.

The suspension was confirmed at each of the two sessions of June, and the session of August; at the October session the office of Governor was declared vacant, because "Joseph Wanton, by the whole course of his behavior . . . hath continued to demonstrate that he is inimical to the rights and liberties of America and is thereby rendered totally unfit to sustain said office." The correspondence passing between Joseph Wanton and colonial officers was friendly in tone. His late colleagues recalled his vigorous defence of the Charter and of colonial liberties throughout his years of service as Governor; he differed with them only in his unwillingness to risk by an appeal to arms the association with England. There was no rancor in his letters; nor was there any disposition in the General Assembly to treat Joseph

Wanton otherwise than in a spirit of kindness, although the leaders recognized that he could not, consistently with his views, join them heartily in the program of resistance by force of arms. In February the sheriff of Newport County was directed to demand surrender of the Charter and other papers and colony property in the possession of the deposed Governor; the sheriff reported that he had visited the Wanton home in the absence of the owner, and carried away a chest containing the property wanted. Of the others who joined Governor Wanton in the protest against the "army of observation," Darius Sessions, Deputy Governor, was not reëlected; in October he wrote a letter to the General Assembly, craving forgiveness, and was "received into their favor and friendship." William Potter, on explanation, was "reinstated in the favor of the General Assembly" on June 1. The name of Thomas Wickes appeared in one of the colonial committees of safety, indicating that he, too, had made peace with the Assembly.

The Secretary of the colony had removed his records and office from Newport to Providence before the opening of the May session, 1775. The General Assembly ordered the General Treasurer, "with the colony's treasure," to remove to Providence. The Assembly proceeded with legislation for the thorough organization of the "army of observation." Soldiers were enlisted "in his majesty's service, and in the pay of the colony of Rhode Island, *for the preservation of the liberties of America.*" The army was organized as a brigade of three regiments, with Nathanael Greene in command as Brigadier General, and Thomas Church, Daniel Hitchcock, and James M. Varnum, respectively, as Colonels. Each regiment consisted of eight companies, and there was besides a train of light artillery. Arms and ammunition equipment, tents and provisions were purchased for the complete equipment of the brigade. An issue of £20,000, lawful money bills, was authorized as a means whereby to finance extraordinary war expenditures. An embargo on shipments of food out of the colony was ordered, to assure abundant supplies for the soldiers. Within a month Brigadier General Nathanael Greene and his three regiments of Rhode Island soldiers, a train of light artillery and a siege battery of heavier guns, had joined the American army encamped on the heights about Boston, in which a British army lay besieged.

FIRST NAVAL ENGAGEMENT—H. M. S. "Rose," Captain James Wallace, stationed at Newport in 1775, interfered so vexatiously with Rhode Island shipping that the General Assembly, in June, directed the Deputy Governor to write to Wallace and "demand of him the reason of his conduct toward the inhabitants of this colony in stopping and detaining their vessels; and also demand of him the packets which he detains." Governor Cooke wrote, as directed, assuring Wallace, in the concluding paragraph of the letter: "So long as you remain in the colony, and demean yourself as becomes your office, you may depend upon the protection of the laws, and every assistance for promoting the public service in my power. And you may also be assured that the whole power of the colony will be exerted to secure the persons and properties of the inhabitants against every lawless invader." Wallace replied: "Although I am unacquainted with you or what station you act in, suppose you write on behalf of some body of people; therefore, previous to my giving an answer, I must desire to know whether or not you, or the people on whose behalf you write, are not in open rebellion to your lawful sovereign and the acts of the British legislature!"

One of the packets had been converted into a tender for the "Rose" and armed. The colony had already chartered and armed two vessels, the "Washington," carrying eighty men, ten four-pound guns and fourteen swivel guns; the "Katie," carrying thirty men. Abraham Whipple commanded the larger vessel and the fleet as Commodore. On June 15, the day on which Wallace answered Governor Cooke's letter, Commodore Whipple engaged the armed packet, and in a short but decisive battle captured her off the shore of Conanicut. *This was the first naval engagement in the Revolution,* fought by a vessel commissioned as a unit in the navy of Rhode Island against an armed vessel in the service of the British King. This

first of naval battles between the ships of America and England resulted in a glorious victory for the navy of America. Captain Wallace, somehow, had learned that Commodore Whipple had commanded the "Gaspee" expedition. Smarting with chagrin and wrath because of Whipple's victory, he wrote to the Commodore: "You, Abraham Whipple, on the 10th June, 1772, burned his majesty's vessel, the 'Gaspee,' and I will hang you at the yardarm." Whipple's answer was as complete and as laconic as Caesar's famous message, "*Veni, Vidi, Vici*," and Perry's announcement of the victory at Lake Erie, "We have met the enemy and they are ours." "Always catch a man before you hang him," wrote Abraham Whipple. In August, the Rhode Island navy, now mistress of the waters of Narragansett Bay, was supplemented by two row-gallies, fifteen oars on a side, planned to carry sixty men each, and armed with one eighteen-pounder in the bow and a battery of swivel guns.

THE DRIFT TOWARD WAR—England discontinued the American post office service that had been developed with Benjamin Franklin as Postmaster General. This action was partly a gesture of displeasure with Franklin, who while in England had presented the cause of the colonists, and partly a measure intended to interrupt the communication between colonies that was so indispensable for maintaining unity. Indeed, the post office had been an agency of inestimable value in furthering the work of the colonial committees of correspondence in their work, first, of producing that unanimity of opinion and agreement on measures that was essential for the success of the American movement so long as it continued to be merely resistant, and, secondly, in preparing for the active Revolution in its positive stages. William Goddard, who had been the first editor and publisher of the "Providence Gazette," but was at the time in Baltimore and Philadelphia, undertook to reestablish the post office as an American system exclusively. This was at first an intercolonial enterprise; in June, 1775, the Rhode Island General Assembly voted to "join with the other colonies in establishing post offices and post riders, in order to preserve an intercourse between the different colonies, which will prove so beneficial to the public, as well as to individuals." Post offices were established at Providence, Warren, Bristol, Newport, Tower Hill (South Kingstown) and Westerly. The offices indicated the line of communication; later, when the British vessels at Newport displayed an inclination to interrupt the postal service and actually seized the mail on one occasion, the route was reorganized, with Providence as an exchange station. The Newport post rider carried mail for westward points to Providence on his way to Cambridge, and on the return trip from Cambridge received at Providence mail from the west for Warren, Bristol and Newport. From Providence, westward mail was sent and received over the postroad to New London. This Rhode Island postal service antedated the system of post offices, established by Congress, of which it became a part by incorporation.

Following the battle of Bunker Hill the General Assembly was called together in special session at Providence on June 28. Reinforcements, consisting of six companies of sixty men each, two companies to be added to each of the regiments, were ordered enlisted, armed, equipped and sent forward to join the Rhode Island army of observation encamped near Boston. The army, by vote of the General Assembly, was placed under the command and direction of the Commander-in-Chief of the combined American army. One-fourth of the militia was ordered enlisted as "minute men," to meet and drill one-half day each fortnight, and to "march for the defence of the colony when and as often as they shall be called upon by the colonel of the regiment to which they respectively belong." Every man in the colony able to bear arms was ordered to "equip himself completely with arms and ammunition." An inventory of powder, arms and ammunition was ordered; and committees were directed to collect "all the saltpetre and brimstone" in the colony and forward it to the Provincial Congress at New York. Signal beacons were established, at Tower Hill in South Kingstown, and on Prospect Hill (Terrace) in Providence. A fire on the latter shown as a test, was seen at New London, sixty miles southwest, and at Cambridge, fifty miles northeast. The guns remaining at Fort George were removed to Newport for the immediate defence of the town. Thus was



STUART PORTRAIT OF WASHINGTON, IN STATE HOUSE, PROVIDENCE



Rhode Island prepared for defence, while watchers stationed on Tower Hill scanned the ocean for sight of a hostile squadron of ships. No one in Rhode Island any longer doubted the reality of war.

**DECLARATION OF INDEPENDENCE**—The statute permitting and regulating appeals from Rhode Island courts to his majesty was repealed in 1775. There remained only one more tie to be dissolved to complete the separation of Rhode Island from the mother country. That was the personal, individual allegiance of the freemen-citizens to his majesty. In 1756 the General Assembly, in the stress of the French and Indian War, and as a war measure to subdue murmuring opposition to the colony's vigorous war policy, had passed "An act for the more effectually securing to his majesty the allegiance of his subjects in this his colony and dominion of Rhode Island and Providence Plantations." Under the provisions of this act any inhabitant, suspected of disaffection or disloyalty, might be called before a colonial court or officer and required to subscribe to a test oath of allegiance. The measure had not been popular, and its provisions had been enforced only in aggravating instances in Rhode Island. On May 4, 1776, the Rhode Island General Assembly repealed the statute of 1756, thus discharging the inhabitants of the colony from allegiance to the King. The name of the King was ordered stricken from all commissions, writs, civil processes and civil proceedings, and in place thereof inserted as a substitution "The Governor and Company of the English Colony of Rhode Island and Providence Plantations." Thus the Rhode Island Assembly anticipated by two months the Declaration of Independence by Congress, by enacting its own Declaration of Independence on May 4, 1776. The Rhode Island Declaration of Independence, in its original writing, has been identified as the work of Jonathan Arnold. The text follows:

#### AN ACT OF INDEPENDENCE

BY THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, PASSED BY THE  
GENERAL ASSEMBLY AT THE OLD STATE HOUSE IN PROVIDENCE, MAY 4, 1776.

#### AN ACT

Repealing an act, entitled "An act, for the more effectually securing to His Majesty the allegiance of his subjects in this, his Colony and dominion of Rhode Island and Providence Plantations." And altering the forms of Commissions, of all writs, and processes in the Courts, and of the oaths prescribed by law.

*Whercas, in all states existing by compact, protection and allegiance are reciprocal, the latter being only due in consequence of the former; and,*

*Whereas, George the Third, King of Great Britain, forgetting his dignity, regardless of the compact most solemnly entered into, ratified and confirmed to the inhabitants of the Colony by his illustrious ancestors, and till of late, fully recognized by him, and entirely departing from the duties and character of a good King, instead of protecting, is endeavoring to destroy the good people of this Colony, and of all the United Colonies, by sending fleets and armies to America to confiscate our property, and spread fire, sword and desolation throughout our country, in order to compel us to submit to the most debasing and detestable tyranny; whereby we are obliged by necessity, and it becomes our highest duty, to use every means with which God and nature have furnished us, in support of our inviolable rights and privileges, to oppose that power which is exerted only for our destruction.*

*Be it therefore enacted by this General Assembly, and by the authority thereof it is enacted, that an act, entitled "An act for the more effectually securing to His Majesty the allegiance of his subjects, in this his Colony and dominion of Rhode Island and Providence Plantations," BE, AND THE SAME IS HEREBY REPEALED.*

And be it further enacted by this General Assembly, and by the authority thereof, it is enacted, that in all commissions for offices, Civil and Military, and in all writs and processes in law, whether original, judicial or executory, civil or criminal, whereon the name and authority of the said King is made use of, the same shall be omitted, and in the room thereof, the name and authority of the Governor and Company of this Colony shall be substituted in the following words to wit:

#### THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

That all such commissions, writs and processes shall be otherwise of the same form and terms as they heretofore were; that the Courts of law be no longer entitled nor considered as the King's Courts;

and that no instrument in writing, of any nature or kind, whether public or private, shall, in the date thereof, mention the year of the said King's reign.

PROVIDED, nevertheless, that nothing in this act contained shall render void or vitiate any commission, writ, process or instrument heretofore made or executed, on account of the name and authority of the said King being therein inserted.

SIGNIFICANCE OF DECLARATION—The significance of the Rhode Island Declaration of Independence was recognized immediately. Governor Cooke, writing to General Washington on May 6, said: "I also enclose a copy of an act discharging the inhabitants of this colony from allegiance to the King of Great Britain, which was carried in the House of Deputies, after a debate, with but six dissenting voices, there being upward of sixty members present." The General Assembly had been elected by the people within a few days of the Declaration, and there scarcely could be any doubt of the people's sentiment. Governor Cooke's letter continued: "The lower house afterward passed a vote for taking the sense of the inhabitants at large upon the question of independence; but the upper house represented to them that it would probably be discussed in Congress before the sense of the inhabitants could be taken and transmitted to the delegates; in which case the colony would lose their voice, as the delegates would be under the necessity of waiting for instructions from their constituents; and further observed that the delegates, when they should receive a copy of the vote renouncing allegiance to the British King, and their instructions, could not possibly be at a loss to know the sentiment of the General Assembly upon this; the matter was dropped." Immediately after its passage, the act of May 4, 1776, was printed in the form of a proclamation duly signed and attested, and copies were posted conspicuously in public places throughout Rhode Island. Other copies were sent to the assemblies of the twelve remaining American colonies. Colonial newspapers gave the Declaration further publicity. The "Providence Gazette and Country Journal" of May 11, 1776, carried a brief paragraph as follows: "The General Assembly at their late session passed an act entitled," etc. The "Providence Gazette and Country Journal" on May 11 and thereafter no longer carried the royal arms of Great Britain at the head of its columns; the "Gazette" had declared its independence and had cast its lot with Rhode Island. The "Boston Gazette" of May 20 mentioned the passage of the Rhode Island act. The "Continental Journal" printed the Rhode Island act in complete text on May 30. The "New England Chronicle" of May 23 printed the Rhode Island act in full, giving it the place of primary importance in the news, at the top of the first column of the first page. In England, also, the momentous action taken by Rhode Island was keenly appreciated. The "London Chronicle" for August 3, 1776, printed the full text of the Rhode Island Declaration of Independence, giving it nearly a column under the headline "Rhode Island. All allegiance to the Crown of Britain Renounced by the General Assembly." Other publications by London newspapers were as follows: "Morning Chronicle and London Advertiser," "Daily Advertiser," "Gazeteer and New Daily Advertiser," August 5; and "Morning Post and Daily Advertiser," August 6. The lapse of three months before publication in England indicated the delay in the travel of news across the Atlantic Ocean in 1776. The "Remembrancer," an "Impartial Repository of Public Events," printed in London in 1776, published the Rhode Island act of May 4, 1776, in complete text. Stephen Hopkins, on May 15, wrote to Governor Cooke: "I observe that you have avoided giving me a direct answer to my queries concerning independence; however the copy of the act of the Assembly, which you have sent me, together with our instructions, leave me little room to doubt what is the opinion of the colony I came from." The instructions contained this significant caution: "Taking greatest care to secure to this colony, in the strongest and most perfect manner, its present established form, and all the powers of government, so far as relate to its internal police and conduct of our own affairs, civil and religious." In this statement lay an exposition of the principle that would guide Rhode Island in its attitude toward the Confederation of the United States, and toward the Constitution of the United States in the critical period preceding ratification. The instructions also authorized Rhode Island's dele-

gation to Congress to join with their colleagues from other colonies in "treaties with any prince, state or potentate," which would be altogether inconsistent with continued allegiance.

The Rhode Island General Assembly adjourned on Sunday, May 5, 1776, the day following the declaration. On May 6 Governor Cooke issued a proclamation setting apart a day of prayer and fasting in the state. From this proclamation, in complete accord with the act of May 4, all mention of the King's name and the customary prayer for the King were omitted. Instead the proclamation included a prayer for America in the form, "God Save the United Colonies." The General Assembly met again at Newport in June. On Sunday, June 16, the Governor, Deputy Governor and other general officers, and the seventy-two members of the General Assembly signed a document which set aside for all time any doubt as to the meaning of the act of May 4. This document clinched the Rhode Island Declaration of Independence in the following language: "We, the subscribers, do solemnly and sincerely declare that we believe the war, resistance and opposition in which the United Colonies are now engaged against the fleets and armies of Great Britain, is on the part of said colonies, just and necessary: And that we will not directly nor indirectly afford assistance of any sort or kind whatever to the said fleets and armies during the continuance of the present war, but that we will heartily assist in the defence of the United Colonies." At the same June session action was taken to seize and take over the customs houses, and to replace English revenue officers with Rhode Island revenue officers. Imports from England and from English colonies were permitted, but exports to England were forbidden. The English court of admiralty established at Newport was abolished; the sheriff of Newport County was ordered to demand from the advocate general of the court his English commission and to deliver it to the Governor of Rhode Island. The seizure of customs houses and the abolition of the court were of themselves acts of war. To deal effectively with treason, suspected of alleged Tories, the formal engagement of allegiance signed by the general officers and members of the General Assembly was prescribed for signature by persons whose loyalty was doubted. Arrest and imprisonment followed failure to sign. The engagement of June 16 confirmed the act of May 4. The several other measures of the June session served to indicate the firmness of purpose with which the General Assembly and the people of Rhode Island had entered upon the war to maintain their independence. The effect of these measures appeared in the unrelaxed earnestness with which Rhode Island continued to bear its share in the seven years of tremendous struggle. And the example of the people of Rhode Island was not lost upon the people of the United Colonies. On July 4 Congress adopted the immortal Declaration of Independence, two months after Rhode Island had pointed out the way.

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Comment by historians on the Act of May 4, 1776.

May 4 (1776), Rhode Island formally declared her independence of Great Britain, by a solemn act, abjuring her allegiance to the British Crown. . . . It constitutes Rhode Island as the oldest independent state in America.—*E. Benjamin Andrews.*

Thus the first colony to declare her absolute independence of the crown, was Rhode Island.—*Bryant and Gay.*

The despondency and hesitation of the assembly of Pennsylvania was in marked contrast with the fortitude of Rhode Island, whose general assembly, on the fourth day of May (1775), passed an act, discharging the inhabitants of that colony from allegiance to the king of Great Britain. . . . The overturn was complete; the act was at once a declaration of independence, and an organization of a self-constituted republic.—*Bancroft.*

The last colonial assembly of Rhode Island met on the first day of May (1776). On the fourth, two months before the Congressional declaration of independence, it solemnly renounced its allegiance to the British crown, no longer closing its session with "God Save the King!" but taking in its stead, as expressive of their new relation, "God Save the United Colonies!"—*Green.*

The first state actually to declare herself independent of Great Britain was Rhode Island. This act was passed May 4, 1776—*Mowry.*

In this wise, in May, 1776, the Rhode Island and Providence Plantations, before any other colony declared their absolute independence of the British crown.—*Smith.*

It is believed to be the earliest vote of the kind passed by any of the colonies. It severed the connection between Rhode Island and the British crown, and the English colony of Rhode Island became henceforth a sovereign state.—*Staples.*

Rhode Island, from that moment, became, and is at this day, the oldest sovereign and independent state in the western world.—*Durfee.*

#### THE GENERAL ASSEMBLY OF MAY 4, 1776.

Governor—Nicholas Cooke, of Providence.  
Deputy-Governor—William Bradford, of Bristol.  
Secretary—Henry Ward, of Newport.  
Attorney-General—Henry Marchant, of Newport.  
General Treasurer—Joseph Clarke, of Newport.

#### GENERAL ASSEMBLY.

##### Assistants (Senators).

Ambrose Page, of Providence	John Jepson, of Portsmouth
James Arnold, of Warwick	Thomas Church, of Little Compton
Simeon Potter, of Bristol	Peter Phillips, of North Kingstown
John Sayles, Jr., of Smithfield	William Potter, of South Kingstown
John Collins, of Newport	Jonathan Randall, of Westerly

##### Deputies (Representatives).

Speaker of the House—Metcalfe Bowler, of Portsmouth.  
Clerk of the House—Josiah Lyndon, of Newport.

##### Newport.

Mr. John Wanton,  
Mr. Samuel Fowler,  
Mr. George Sears,  
Mr. Gideon Wanton,  
Mr. Thomas Freebody,  
Col. Joseph Belcher.

##### Providence.

Col. Jonathan Arnold,  
Mr. John Brown,  
Mr. John Smith,  
Col. Amos Atwell.

##### Portsmouth.

Mr. Metcalfe Bowler,  
Mr. John Coddington,  
Mr. John Thurston.

##### Cumberland.

Mr. John Dexter,  
Capt. Elisha Waterman.

##### East Greenwich.

Mr. Job Comstock,  
Mr. Thomas Shippee.

##### Jamestown.

Capt. Samuel Carr,  
Mr. Benjamin Underwood.

##### Smithfield.

Mr. Daniel Mowry, Jr.,  
Capt. Andrew Waterman.

##### Scituate.

Col. William West,  
Mr. Christopher Potter.

##### South Kingstown.

Capt. Samuel Seagar,  
Mr. Samuel Babcock.

##### Glocester.

Mr. Richard Steere,  
Col. Chad Brown.

##### West Greenwich.

Mr. Thomas Tillinghast,  
Mr. Judiah Aylworth.

##### Coventry.

Mr. Ephraim Westcott,  
Mr. Jeremiah Fenner.

##### Exeter.

Mr. George Pierce.

##### Middletown.

Mr. Joshua Barker,  
Mr. Nicholas Easton.

##### Johnston.

Mr. John Fenner,  
Mr. Peleg Williams.

##### North Providence.

Major Thomas Olney,  
Mr. Jonathan Jenckes, Jr.

##### Barrington.

Mr. Edward Bosworth,  
Capt. Thomas Allin.

##### Hopkinton.

Mr. John Larkin,  
Mr. Thomas Wells.

##### Charlestown.

Capt. Joseph Stanton, Jr.  
Mr. Jonathan Hazard.

##### Bristol.

Mr. Shearjashub Bourn,  
Col. Nathaniel Pearce.

##### Tiverton.

Mr. Gideon Almy,  
Col. John Cooke.

##### Little Compton.

Capt. Thomas Brownell,  
Mr. Daniel Wilbur.

##### Warren.

Mr. Cromwell Child,  
Col. Sylvester Child.

##### Cranston.

Mr. Andrew Harris,  
Mr. Zuriel Waterman.

##### Richmond.

Mr. Samuel Tefft,  
Major Richard Bailey.

##### Warwick.

Mr. William Greene,  
Mr. Jacob Greene,  
Mr. Charles Holden, Jr.,  
Col. John Waterman.

##### Westerly.

Maj.-Gen. Joshua Babcock,  
Col. John Noyes.

##### North Kingstown.

Mr. John Northup,  
Mr. Sylvester Gardner.

## CHAPTER XII. RHODE ISLAND IN THE REVOLUTION (ABROAD).



HE British flag was fired upon by the battery of Fort George at Newport on July 9, 1764, when the people of the Rhode Island capital rose in wrath because of an attempt to impress seamen for his majesty's navy. Less than a year later, June 4, 1765, the people of Newport burned one of the boats of H. M. S. "Maidstone" as a reprisal for impressment and interference with the lawful commerce of the town. Henry Sparker, first American martyr in the cause of liberty, was slain by a British officer in the Newport massacre of May 3, 1768. The British armed sloop "Liberty" was captured and scuttled at Newport on July 19, 1769, and burned later when floated by the tide. The British armed sloop "Gaspee" was captured and burned by Providence men on June 10, 1772; in this affair the first British blood was shed. Fort George was repaired and cannon were remounted for defence in 1773; and in 1774 Rhode Island had become an armed camp, as military companies were chartered by the General Assembly, and drilled frequently and diligently in anticipation of—eventualities. Cannon were purchased by the colony and loaned to military companies for practice in use. Small arms and ammunition were accumulated and stored in places convenient for quick distribution. The manufacture of muskets was encouraged. A colony armed squadron was fitted out and patrolled Narragansett Bay; the first naval engagement of the Revolutionary War was fought in Narragansett Bay on June 15, 1775, and was won by Rhode Island sailors. When the war thus started in Rhode Island was shifted by the British to Massachusetts, Rhode Island prepared immediately to send assistance to the contiguous, though never neighborly, colony to the north and east. More than 1000 armed and disciplined Rhode Island soldiers were marching to the relief of Massachusetts on April 20, 1775, when news reached them that the British army had retired from Lexington and Concord to its base at Boston. The General Assembly on April 22 voted to raise and equip an army of observation of 1500 men for service either in Rhode Island or elsewhere "with the forces of the neighboring colonies." Within a month, 1200 officers and men from Rhode Island, organized as a brigade of three regiments, had joined the provincial army holding the British landlocked in Boston. This force subsequently was increased to 1700 men. Thereafter the story of Rhode Island's participation in the Revolutionary War practically is the story of the war itself.

The Rhode Island Brigade, on its arrival at Jamaica Plan, attracted attention because of the completeness of its equipment. "The Rhode Islanders are furnished with tent equipage, and everything in the most exact English style," wrote Chaplain William Emerson of Concord. The troops from Rhode Island were uniformed and well-armed. Brigadier General Nathanael Greene and his officers, including among others, James M. Varnum, Daniel Hitchcock, Thomas Church, Ezekiel Cornell, Christopher Greene, Israel Angell, Simeon Thayer, Stephen Olney and Jeremiah Olney, all of whom were destined for distinguished service, in a short time had the troops so well trained in manual and manœuvre that General George Washington remarked their soldierly behavior on taking command of the army early in July, and thus found Nathanael Greene, who was to be his never-failing auxiliary in battle and in strategy throughout the war. Washington Irving, in his life of Washington, said: "In riding through the camp Washington observed that 9000 of the troops belonged to Massachusetts; the rest were from other provinces. They were encamped in separate bodies, each with its own regulations, and officers of its own appointment. Some had tents, others were in bar-

racks, and others sheltered themselves as best they might. Many were sadly in want of clothing, and all, said Washington, were strongly imbued with the spirit of insubordination, which they mistook for independence. One of the encampments, however, was in striking contrast with the rest, and might vie with those of the British for order and exactness. Here were tents and marquees, pitched in the English style; soldiers well drilled and well equipped; everything had an air of discipline and subordination. It was a body of Rhode Island troops, which had been raised, drilled and brought to the camp by Brigadier General Greene of that province." The Rhode Island Brigade carried a distinctive flag described thus by the "National Geographic Magazine" of October, 1917: "Fashioned from white silk with thirteen stars on a canton of blue, and showing a blue anchor surmounted by the motto of the State, Hope, on the center of the field, this regimental banner of Rhode Island easily takes rank as an attractive flag." The flag is on exhibition with other historical banners at the State House.

RHODE ISLAND AT BUNKER HILL.—A decisive battle had been fought before Washington's arrival. On the night of June 16 a detachment of Americans, led by Colonel Prescott, began to fortify Breed's Hill in Charlestown, which overlooks Boston. Had the works been completed and armed with cannon, Gage and his 6000 regulars must abandon Boston. Neglecting the possibility of occupying Charlestown Neck, and thus cutting off the party on Breed's Hill from the main body of American troops, Gage began to shell the American lines on the morning of June 17, and in the afternoon directed Howe to make a frontal attack upon the entrenchments. Meanwhile Prescott's detachment was reinforced by parties of Americans, so that his line included men from all the New England colonies. The following account of the battle of Bunker Hill, the name commonly given to the engagement on Breed's Hill, is from the relation of Israel R. Potter, of Rhode Island:

About noon a number of the enemy's boats and barges, filled with troops, landed at Charlestown and commenced a deliberate march to attack us. We were now harangued by General Putnam, who reminded us that, exhausted as we were by our incessant labor through the preceding night, the most important of our duties was yet to be performed, and that much would be expected from so great a number of excellent marksmen; he charged us to be cool, and to reserve our fire until the enemy approached so near as to enable us to see the white of their eyes. When within about ten rods of our works, we gave them the contents of our muskets, which were aimed with so good effect as soon to cause them to turn their backs and to retreat with a much quicker step than with what they approached us. We were now again harangued by "old General Put," as he was termed, and requested by him to aim at the officers, should the enemy renew the attack, which they did in a few moments, with a reinforcement. Their approach was with a slow step, which gave us an excellent opportunity to obey the command of our General in bringing down the officers. I feel but little disposed to boast of my own performances on this occasion, and will only say that after devoting so many months in hunting the wild animals of the wilderness, while an inhabitant of New Hampshire, the reader will not suppose me a bad or inexperienced marksman, and that such were the fair shots which the epauletted red coats presented in the two attacks, that every shot which they received from me, I am confident, on another occasion would have produced me a deerskin.

So warm was the reception that the enemy met with in their second attack that they again found it necessary to retreat, but soon after receiving a fresh reinforcement, a third assault was made, in which, in consequence of our ammunition failing, they too well succeeded. A close and bloody engagement now ensued. To fight our way through a considerable body of the enemy with clubbed muskets (for there was not one in twenty of us provided with bayonets) was now the only means left us to escape; the conflict, which was a sharp and severe one, is still fresh in my memory, and cannot be forgotten by me while the scars of the wounds which I then received remain to remind me of it. Fortunately for me, at this critical moment, I was armed with a cutlass, which, although without an edge, and much rust-eaten, I found of infinitely more service to me than my musket. In one instance I am certain it was the means of saving my life; a blow with a cutlass was aimed at my head by a British officer, which I parried, and received only a slight cut with the point, on my right arm near the elbow, which I was then unconscious of, but this slight wound cost my antagonist at the moment a much more serious one, which effectually disarmed him, for

with one well-directed stroke, I deprived him of the power of very soon again measuring swords with a "Yankee rebel." We finally, however, should have been mostly cut off, and compelled to yield to a superior and better equipped force, had not a body of three or four hundred Connecticut men formed a temporary breastwork with rails, etc., and by this means held the enemy at bay until our main body had time to ascend the heights and retreat across the neck. In this retreat I was less fortunate than many of my comrades; I received two musket ball wounds; one in my hip and the other near the ankle of my left leg. I succeeded, however, without any assistance, in reaching Prospect Hill, where the main body of the Americans had made a stand, and commenced fortifying. From there I was soon after conveyed to the hospital at Cambridge, where my wounds were dressed and the bullet extracted from my hip by one of the surgeons. The house was nearly filled with the poor fellows who, like myself, had received wounds in the late engagement, and presented a melancholy spectacle.

The battle had been sanguinary; the British losses were over 1000 killed and wounded, and the American losses were 441. The British had carried the hill and retained possession of the field at the end of the day; but the Americans had demonstrated their ability in pitched battle to withstand the attacks of trained European soldiers. General Nathanael Greene remarked, dryly, after the battle: "I wish we could sell them another hill at the same price." He had already grasped the fundamental principle of successful warfare, that the enemy's army is the prize to be contended for. The success of the third attack by the British had been due principally to failure of American ammunition; the fire of the latter ceased abruptly as the British neared the fortification, and the charge of the British finally was with bayonets against men armed only with clubbed muskets and a few side arms. One of the ships of John Brown, Providence merchant, fresh from the West Indies with a cargo of powder taken in a raid upon a British storehouse, arrived just too late for distribution to the gallant defenders of Breed's Hill.

Following the battle the American cordon was drawn even tighter than before around the British and Gage found himself dependent for food upon what could be brought in by water. To prevent recourse to Rhode Island for supplies, the General Assembly, at the request of General Washington, removed sheep and other food animals from Block Island and other exposed places. General Washington also fitted out at Plymouth the "Washington," brigantine, mounting ten guns, to cruise in and about Boston harbor and intercept vessels carrying food to the beleaguered British army. The "Washington" was commanded by Captain Sion Martindale, one of the captains in the Rhode Island regiment from Newport and Bristol, Colonel Thomas Church. Her complement of seventy-two men, principally from the three Rhode Island regiments commanded by Colonels Varnum, Hitchcock and Church, included Israel R. Potter, whose recovery from the wounds received at Breed's Hill had been remarkable. The vessel was captured by the "Foy," British man-of-war, twenty guns, and the crew were shipped on the "Tartar," British frigate, to England for trial and imprisonment as rebels. While on the voyage Israel R. Potter and others attempted to capture the British frigate, but the conspiracy was revealed and the ringleaders were placed in irons. While in England Potter escaped from prison three times and was recaptured twice. He was employed by friends of America in England to carry dispatches to Benjamin Franklin in France, and by Franklin to carry return messages. Potter returned to Rhode Island in 1823.

THE INVASION OF CANADA—Holding Gage and Howe beleaguered in Boston, Washington, in the autumn of 1775, projected a campaign aiming to wrest Canada from British control and to persuade the Canadians to join with the Americans against England. General Richard Montgomery, with 1500 men, was ordered to march against Montreal by way of Lake Champlain; General Benedict Arnold was to lead 1100 men through Maine against Quebec; in each instance the objective was the capture of the British garrison. Rhode Island interest lies principally with the Quebec expedition because of the large detachment of Rhode Island troops included in Arnold's regiment. Of the two battalions, Lieutenant Colonel Christopher

Greene of Rhode Island, commanded one, and Lieutenant Colonel Roger Enos of Connecticut, the other. Of the six companies in Greene's battalion three were commanded by Rhode Islanders, Samuel Ward, John Topham and Simeon Thayer. These Rhode Island Captains and their companies volunteered for the expedition. The Rhode Island contingent number 250. From Cambridge the expedition marched, in September, to Newburyport, and there boarded ten transports, sailing for the Kennebec River and landing near the present site of Augusta, the capital of Maine. There 200 flatboats had been built to carry the soldiers, their Indian guides, arms, ammunition and supplies of food; and on these the ascent of the river was undertaken. The principal source of the Kennebec River is Moosehead Lake, for which the eastern branch of the river furnishes an outlet to the ocean. A western branch of the Kennebec, known as the Dead River, rises near the eastern Canadian boundary of Maine, and meanders in the manner of a detour from a good modern road generally eastward until it joins the main stream. Across the headlands, marking at once the Maine-Canadian boundary and the divide between watersheds, are the sources of the Chaudiere River, which flows somewhat west of almost due north into the St. Lawrence River, which it reaches at a point a little westward of and opposite Quebec. The expedition planned to ascend the Kennebec River; carry across the Carry Ponds from the Kennebec to the Dead River to avoid the long sweep to the north that the Dead River makes as it nears the Kennebec; ascend the Dead River to its source, and then carry across to the headwaters of the Chaudiere. Thence the descent of the river would bring the army within striking distance of Quebec.

The journey was beset with difficulties and dangers. The flatboats had been constructed hastily of green wood, and leaked badly. Provisions became watersoaked and spoiled; a great deal was thrown away early on the trip that later would have been of incalculable value. Stormy weather delayed the progress, and swollen streams increased the hazards as their ordinary turbulence was intensified. Still the intrepid army pressed forward spurred to valor by indomitable leaders. Rations were reduced to half a pint of flour a day; there was no meat and soon there was no more flour. Cold weather set in late in October, when the troops were still in the valley of the Dead River. Lieutenant Colonel Enos and many of his battalion, disheartened, discouraged, disgusted, maddened by hunger, abandoned the expedition and returned down the Kennebec River. Still Arnold and Greene and the faithful Rhode Island contingent pressed onward. Provisions were entirely exhausted; the soldiers boiled their moccasins and ate them; they killed a dog and ate it. Weakened men dropped in their tracks and were left by their comrades to die in the wilderness. Reduced to 600 men, the Chaudiere River was reached, and with it the hope of finding food in the French villages far north along its banks. Food was supplied in abundance eventually, and the course of the river was followed on to the St. Lawrence, which was reached about November 10.

The Canadians along the Chaudiere River had interposed no resistance, and had supplied the invading army with food, but the people of Quebec, though surprised almost to panic by the unexpected appearance of the American army, prepared for defence. To do this they were induced by General Carleton, who threatened all who did not arm in defence of the city with expulsion, and confiscation of their property. Arnold, realizing that he was probably too weak in numbers to hazard an attack, pitched camp at Point au Tremble to await the arrival of Montgomery from Montreal. Messengers were dispatched to Montgomery, and replies were received on November 22. Anticipating the approach of Montgomery on December 1, Arnold ordered a Connecticut officer to move cannon, stores and provisions to Cellers, nearer Quebec, but met refusal because of danger. Captains Thayer and Topham of Rhode Island, volunteered, and Thayer won the toss of a coin, as he recorded in his diary, "equally to my satisfaction and the vexation of Captain Topham, who was always ready to encounter the greatest dangers." Montgomery, who reached Point au Tremble on December 2, was described in the diary as "a genteel appearing man, tall and slender, quite bald on the top of his head,

resolute yet mild, of an agreeable temper, and is a virtuous and noble general." The advance to Cellers was made in a driving snowstorm. After cutting through ice for a quarter of a mile, the batteaux were rowed eighteen miles in the night time. On the second refusal of the Connecticut officer to undertake dangerous service, Thayer and Topham of Rhode Island, replaced him, and for three weeks were exposed to enemy fire while erecting siege batteries. One morning a shot passed through the bed from which Thayer and Topham had risen, and another passed between them and under the bed. An assault on the city planned for December 27 was abandoned because of stormy weather.

On the night of December 31 an advance was made under cover of a heavy snowstorm. The outer barriers were stormed, and the Americans entered the city, fighting their way from street to street, passing barricades, silencing batteries, capturing blockhouses, until the high tide of impetuous valor carried them even to the walls of the citadel. The city itself was in their hands; the garrison had retired to the interior fortress. Meanwhile Montgomery had been killed, and Arnold had been wounded. The attacking army faltered in the face of the withering fire poured against them by gallant defenders and retreated, beaten back by superior forces strongly entrenched. A part surrendered; the remainder encamped at St. Roque, maintaining a siege until May 6, when reinforcements from England reached Quebec and relieved the garrison. Arnold retreated doggedly before superior forces, holding Carleton in check so long that the latter was not able to coöperate with Howe in the British movement near New York in the spring of 1776. Captain Thayer described the attack on Quebec in his diary. The assault was launched simultaneously from two sides of the town, with feint attacks elsewhere to distract attention. The three Rhode Island companies, with Arnold and Greene, attacked the lower town. "The front having got lost by a prodigious snowstorm," wrote Captain Thayer, "I undertook to pilot them, having measured the works before and knowing the place; but coming to the first barrier, two field pieces played briskly upon us, that were placed there, but on drawing them back to recharge, Captain Morgan and myself quickly advancing through the ports, seized them with sixty men, rank and file, which was their main guard, and made them prisoners. Immediately afterward, advancing toward a picket that lay further up the street, where there was a company of the most responsible citizens of Quebec, found their captain drunk; took them prisoners, and, taking their dry arms for our own use, and laying ours up in order to dry, being very wet, we continued advancing, by which time our whole party got into the first barriers. We rallied our men, and strove to scale the second. Notwithstanding their utmost efforts, we got some of our ladders up, but were obliged to retreat, our arms being wet, and scarcely one in ten would fire; whereon some did retreat to the first barrier we had taken; and when we came there we found we could not retreat without exposing ourselves to the most imminent danger. . . . There was no possibility of retreating, and they promising good quarters, we surrendered. Colonel Arnold, being wounded in the beginning of the action, was carried to the general hospital. The number of us who did not retreat, among whom were Colonel Greene, Captain Morgan, a number of other officers and myself, with a number of privates, after passing the first barrier, having been for upward of four hours victorious in the lower town, and having about 130 prisoners in our possession, fell unhappily victims to them, that a little while before felt the same fate." Lieutenant Colonel Greene, Captains Ward, Topham and Thayer of Rhode Island, were among those captured. Greene and Thayer rejoined the army so soon as possible after they had been exchanged.

THE NAVY AND ESEK HOPKINS—The Rhode Island General Assembly in August, 1775, resolved:

And as every principle, divine and human, requires us to obey that great and fundamental law of nature, self-preservation, until peace shall be restored upon constitutional principles; this colony will most heartily exert the whole power of government, in conjunction with the other colonies, for carrying on this

just and necessary war and bringing the same to a happy issue. And amongst other measures for obtaining this most desirable purpose, this Assembly is persuaded that the building and equipping an American fleet, as soon as possible, would greatly and essentially conduce to the preservation of the lives, liberty and property of the good people of these colonies; and therefore instruct their delegates to use their whole influence at the ensuing Congress for building, at the continental expense, a fleet of sufficient force for the protection of these colonies, and for emphasizing them in such manner and places as will most effectually annoy our enemies, and contribute to the common defence of these colonies.

This Rhode Island project for the establishment of a navy found favor with Congress, which in December, voted to purchase and equip thirteen vessels, and elected Esek Hopkins of Rhode Island commander-in-chief. Of five captains for the new navy, three, Whipple, who commanded the "Columbus"; John B. Hopkins, the "Cabot," and Hacker, the "Providence," were Rhode Islanders. Seven Rhode Islanders were appointed as Lieutenants, and 100 sailors were sent from Rhode Island to man the ships. Congress purchased at Philadelphia two large ships, the "Alfred" and the "Columbus," and two brigs, the "Cabot" and the "Andrea Doria"; and at Providence the "Katy," colony sloop, later named the "Providence." On this vessel, with a full complement of officers and seamen, the commander-in-chief sailed for the Delaware. There a fleet of eight vessels assembled, including the ship "Alfred," twenty-four guns; the ship "Columbus," twenty guns; the brigs "Andrea Doria" and "Cabot," fourteen guns each; the sloop "Providence," twelve guns; the sloop "Hornet," ten guns; the sloop "Wasp," eight guns; and the "Fly," tender. Held in the Delaware by ice, the fleet sailed on February 17. The Bahama Islands were reached early in March, and the fleet invested Fort Nassau on the Island of New Providence. The fort surrendered, and Admiral Hopkins proceeded to take on board the cannon and ammunition stored there. His fleet was insufficient to carry the booty, which included over 100 cannon, and Admiral Hopkins impressed the sloop "Endeavor," lying in the harbor, as a freighter. The fleet sailed from the Bahamas on March 17, reaching New London on April 7. On the return voyage the Admiral captured the schooner "Hawke," six guns, and the bomb brig "Bolton," eight guns. The frigate "Glasgow," twenty-four guns, was engaged on April 6, but escaped capture after a vigorous battle, leaving her tender with Admiral Hopkins. The cannon were distributed at various places, and the ammunition, sadly needed by General Washington, was placed at the latter's disposal. Washington loaned to Admiral Hopkins 200 men to replace members of his crews, who had been killed or wounded or were sick, and with these the fleet was taken to Providence, where the sick, most suffering from smallpox, were landed. The departure from the Bahamas occurred on the same day that the British evacuated Boston, March 17, 1776. Admiral Hopkins reached New London on the same day that Washington left Providence, which the latter visited, for conferences with officials and revolutionary committees, on his way from Boston to New York, which he believed would be the next British objective.

The Rhode Island Brigade, except the companies with the Quebec expedition, returned to Rhode Island with other troops assigned by Washington temporarily for defence of the colony should the British enter Narragansett Bay. These troops were withdrawn later for the defence of New York. General Henry Knox, who visited Rhode Island to advise as to fortifications, wrote to his wife: "I have been on board Admiral Hopkins' ship in company with his gallant son, who was wounded in the engagement with the 'Glasgow.' The Admiral is an antiquated figure. He brought to my mind Van Tromp, the famous Dutch Admiral. Though antiquated in figure, he is shrewd and sensible. I, whom you think not a little enthusiastic, should have taken him for an angel, only he swore now and then." Admiral Hopkins was then aged fifty-eight. In spite of his remarkable achievement and the significant strengthening of the American cause by the cannon and ammunition captured by him, Admiral Hopkins did not escape censure. With Captains Whipple and Salstonstall, he was summoned to Philadelphia to answer charges of disobedience of orders. As a matter of fact, he had been

instructed to cruise along the South Atlantic coast, but had decided, because of the delay in sailing from the Delaware and because of the distribution of British war vessels in harbors along the coast to avoid the late winter storms, to make a bold strike at the British naval supply base in the Bahamas. A part of the criticism of Hopkins was related to his failure to capture the "Glasgow," although, on this score, the heavy set of his own vessels with their cargoes of cannon and ammunition, might explain their failure to close promptly with the lighter and larger British man-of-war. He was censured by Congress for failure to undertake the southern cruise, but restored to his command and ordered to cruise against the Newfoundland fishery. Hopkins experienced difficulty in obtaining crews for his vessels, because of the large number of sailors enlisted for privateering, and did not sail again. Principally because of inactivity, he was relieved of his command in January, 1778.

**THE CAMPAIGN AROUND NEW YORK**—The siege of Boston was ended quickly by evacuation when Washington seized and fortified Dorchester Heights, and with the cannon brought from Ticonderoga began to shell the British barracks. Howe, who had superseded Gates, began to embark his troops on March 17, and had completed the movement two days later. Washington designated General Nathanael Greene to occupy Boston temporarily; Greene's command at that time was a brigade, including the three Rhode Island regiments and four others. News from Rhode Island that a British fleet had been sighted off Point Judith hastened Greene's departure from Boston with his own brigade and Sullivan's. Spencer's Brigade followed; when the report was found to be erroneous the troops marched to New London, and there boarded transports for New York. Washington prepared to defend New York against expected attack by the British and assigned Greene, with 9000 troops, to fortify and hold Brooklyn and the heights which commanded the East River approaches. The forts and entrenchments constructed by Greene were described as "judiciously planned but ill executed" by Captain Montressor of the British army. Perhaps the British officer did not weigh this judgment with consideration of the limited time available and of the want of engineering and trenching tools in the American army. Washington's forces numbered few more than 20,000 men, of whom not one-half had had even so little experience as that gained in the campaign at Boston. He built Forts Washington and Lee, on either side of the Hudson, to secure the approaches to Manhattan from the north and his own communications with New Jersey. By the end of June, Howe, back from Halifax, landed 8000 men on Staten Island and was reinforced thereafter until his army included 27,000 soldiers, among whom were 14,000 Hessians.

**EXPLOIT OF SILAS TALBOT**—Admiral Howe, with a fleet of twenty-five warships, supported his soldier brother; his men-of-war, sailing up the Hudson, embarrassed the American army in New York, and threatened Washington's communications with New Jersey and northern New York. The food supply from New Jersey was also interrupted, and the menace was serious. With the Rhode Island troops in New York was Silas Talbot, who had been commissioned as Lieutenant in Captain Tower's Company, the ninth from Providence County, raised with five others after the battle of Bunker Hill as reinforcements for the Rhode Island Brigade. Talbot was promoted to be Captain in January, 1776, and to be Major, by act of Congress, October 10, 1777, because of "spirited" action in defence of New York related to an exploit in August, 1776, in which he and a party, principally Rhode Islanders, opened the Hudson River and relieved Washington of immediate concern. Initial success in devising, building and sending fire rafts among the British fleet in the Narrows had won for Talbot appointment as commander of a small schooner, which he fitted out as a fire brig. Slipping quietly down the Hudson under cover of complete darkness late at night, partly sailing and partly drifting with the current, Talbot's approach to the British men-of-war was not discovered until he was close at hand. The British fired one broadside before Talbot closed with

the "Romney," and secured his schooner snugly to her with grappling irons. Fires were lighted immediately, and the crew of the schooner, with the exception of Ensign John Thomas of Rhode Island, who was drowned, took to their boats, as ordered. Talbot himself remained behind to assure himself that the fires were burning briskly, and made his escape through flames that severely scorched him. The boats were quickly away, and reached shore safely though fired on vigorously by the British as their course was lighted by the blazing schooner. The "Romney" also was soon ablaze, and was saved from destruction when the other British men-of-war assisted in cutting her away from the fire brig. Thereafter the British retired below the Battery, leaving the Hudson, for the time being, an open river.

**LONG ISLAND**—Unfortunately for America, Greene, who had planned the defences of Brooklyn, was taken ill with fever and removed for treatment to New York. In his stead Putnam commanded on Long Island. Howe moved 15,000 men across the Narrows from Staten Island to Long Island on August 22, and on August 27 attacked 5000 Americans under Sullivan, who held the advance lines between Brooklyn Heights and the British army. The attack was delivered from front and rear simultaneously; Generals Sullivan and Stirling and 1100 men were captured and the rest routed. Rhode Island soldiers were engaged in this battle and made their way to Brooklyn. Captain Benijah Carpenter of Rhode Island was killed. Howe moved on Brooklyn on the following day, and was repulsed. On the night of August 29, Washington, under cover of night and a heavy fog, directed in person the ferrying of the remainder of the American army across the East River. The abandonment of Brooklyn made New York untenable, since Brooklyn Heights commanded Manhattan and the East River, and Washington withdrew to Harlem Heights, throwing his line across the Island of Manhattan.

**HARLEM HEIGHTS AND WHITE PLAINS**—Howe attacked Harlem on September 16, and was repulsed; in this battle the Rhode Island troops performed distinguished service. General Greene, now a Major General, though not attached to the forces actually engaged, participated in the battle at Harlem Heights as a volunteer, and was noticed for his gallantry. Howe next moved up the East River, and Washington, recognizing the threat to his line at Harlem in flank and rear, withdrew to White Plains. Howe attacked White Plains on October 28, and was repulsed, suffering heavier losses than the American defenders. In this battle Varnum's and Hitchcock's Rhode Island Regiments rendered valorous service, for which they were warmly commended by Washington. Howe crossed the Hudson and moved down to Dobb's Ferry, threatening Fort Washington. The fort was captured on November 16, with 2600 Americans, and Washington began his retreat across New Jersey into Pennsylvania. His force had been reduced to a few thousand by losses in battle and by withdrawal of militia regiments, and the American cause seemed almost hopeless.

**CAPTAIN GIBBS AND THE LIFE GUARD**—Washington's Life Guard was organized while the Continental army occupied Manhattan, with Captain Caleb Gibbs of Rhode Island as the first commander. The Guard consisted at first of 180 men, five feet eight to nine inches in height, chosen because of their physical appearance, moral character and mental alertness. Membership was an honor highly esteemed. The number in service varied from 65 to 250. The guards were dressed in blue coats faced with white, white waistcoat and breeches, with black half-gaiters, and a cocked hat with blue and white feathers. They were armed with muskets and side arms. They were sworn to protect the life and papers of the commander-in-chief, and their motto was "Conquer or Die." The membership of the guards was recruited from the soldiers and officers of the Continental troops, all the colonies and states being represented. Caleb Gibbs of Rhode Island remained in command of the Life Guards for three

years, from 1776 to 1779. The guards were the constant companions of the commander-in-chief.

Of the actions near New York General Greene wrote to Governor Cooke: "I was sick when the army retreated from Long Island, which, by the by, was the best effected retreat I ever read or heard of, considering the difficulty of the retreat." He described the retreat from New York as miserable, "owing to the disorderly conduct of the militia, who ran at the appearance of the enemy's advance guard," leaving General Washington, who had tried to stay the flight and rally the soldiers "on the ground within eighty yards of the enemy, so vexed at the infamous conduct of the troops, that he sought death rather than life." Of the affair at Harlem Heights, Greene wrote: "A party of about a thousand came and attacked our advance post; they met with a very different kind of reception from what they did the day before. The fire continued about one hour, and the enemy retreated: our people pursued them; and by the spirited conduct of General Putnam and Colonel Read . . . our people advanced upon the plain ground, without cover, and attacked them and drove them back. . . . Colonel Varnum's and Colonel Hitchcock's regiments were in the last action, and behaved nobly; but neither of the colonels was with them, both being absent, one sick and the other taking care of the sick." Later, urging care in selecting officers for the Rhode Island regiments in anticipation of reorganization for taking them into Continental service, Greene wrote: "There has been, it must be confessed, some shameful conduct in this army in this campaign, in great measure owing to the bad conduct of the officers. I have neither seen nor heard of one instance of cowardice among the old troops where they had good officers to lead them on. In the last action every regiment behaved with becoming spirit; especially Colonel Hitchcock's and Colonel Varnum's."

Washington also urged the importance of selecting good officers for the reorganized Continental army, and recommended "those who, in public estimation and that of the generals under whom they have more particularly acted, have behaved themselves well and to good acceptance, and whose past conduct gives a reasonable hope that their future will render material services to their country." Washington's list included the Rhode Island officers on the Canada expedition, whose "behavior and merit, and the severities they have experienced, entitle them to a particular notice." Washington would have "recommended Colonel Varnum for a colonel of one of the regiments, but he refused to serve." Varnum was dissatisfied because he had not been promoted by Congress so fast as other officers; he returned to the army later. It should be noted that the three Rhode Island regiments had been consolidated as two regiments after the withdrawal of detachments from other service, including the 250 sent to Canada and the crew of the "Washington," brigantine, and the losses by casualty and sickness; the references to Varnum's and Hitchcock's regiments are to the consolidated Rhode Island troops, including all not detached. All the Rhode Islanders were courageous, and most of the officers were excellent.

**HOWLAND'S NARRATIVE**—A third regiment, Colonel Christopher Lippitt, and the two row gallies operating in Narragansett Bay, were sent as reinforcements to Washington's army in view of the serious situation at New York. John Howland was a private in this regiment; his personal narrative relates his own experiences and much of interest concerning the Rhode Island troops:

Our regiment was ordered to leave Newport and join the army at New York. . . . Some went by water and some by land to New London. Colonel Lippitt chose to visit his family on his way, who lived on his farm in Cranston. . . . We crossed the bay to Wickford, and from thence proceeded to his house. After remaining there one night we continued our journey through Plainfield to join the regiment at New London. We lodged the first night at Eaton's Tavern in Plainfield, and there we met Admiral Hopkins, who

was on his way home from Philadelphia. . . . The next morning we went on our way to New London, where we embarked on a schooner to proceed up the Sound. We were so crowded on board that there was no room to sit or lie down. We stood both below as well as above deck wedged together. The Colonel did not go on board with us, but went by land on horseback. . . . At Black Rock . . . we landed, and after loading our tents and camp kettles on carts, proceeded on to New Haven, and thence to Fairfield. . . . We proceeded on our way towards King's bridge, which connects the Manhattan Island with the main . . . . We passed King's bridge, which is fifteen miles from the south end of the city, and encamped near the eleven mile stone. I do not recollect that there was a single dwelling house between our camp and the bridge. The main road from the city to the country was not fenced on either side. The land appeared a barren wilderness, hilly and rocky. The village of Harlem, south of our camp, was an old Dutch settlement, and it was said the land was well cultivated. There the enemy had possession, and our picket guards were in its near neighborhood. The day after our troops left New York a severe action took place between a detachment of our army and one regiment of British light infantry, one of Highlanders, and a regiment of Hessians. The enemy were repulsed with the loss of about 100 men on their part, but left Colonel Knowlton, who commanded the American detachment, mortally wounded on the field.

The reference here is to the battle of Harlem Heights, fought before Colonel Lippitt's regiment reached New York. The Howland narrative continues:

It was on the fifteenth of September that the British took possession of New York, and we were in possession of the north part of the island, from Harlem to King's bridge, till the sixteenth of October following. During the greater part of this time, from bad fare, hard service, and sleeping on the ground, many of our men became sick of what was called the camp distemper, which, seizing the bowels, soon became fatal. This daily lessened our numbers, and rendered others unfit for duty. When our regiment was ordered to march to Westchester our sick were placed in wagons with as much care as circumstances would permit. Young Otis Dexter, a fine boy of fourteen years, the brother of Captain David Dexter, and who was the fifer of our own company, we placed in a wagon on some straw, and he expired about the time we crossed King's bridge. The jolting of the wagon over an uneven and stony road doubtless hastened his exit, and finally ended his sufferings. Early the next morning we made his grave in the corner of an orchard in Westchester, in which we placed him with as much decency as possible. . . . Several regiments were left to occupy the post at King's bridge, and 2000 men were in possession of Fort Washington on the island when we passed on to Westchester. We were next marched to Mile Square, where we were encamped several days. . . . Our next movement was to White Plains. . . . On October 28 a part of the Connecticut troops under General Spencer, with McDougal's Brigade, were posted on a ridge of land next south of the hill on which our regiment was stationed. In the morning of that day a large detachment of British appeared ascending the highland opposite to us, to attack their command. The action soon commenced. It was a severe conflict, and we expected every moment to be ordered to reinforce them. But it appears that our commander-in-chief did not intend to risk a general action while the enemy had such a vastly superior force, but only to fight by detachments. We therefore stood under arms and with our cannon loaded, as silent spectators of the conflict. . . . At length the two armies, as if mutually tired of the conflict, drew apart, and each endeavored to remove their wounded. . . . Our next remove, or retreat as it may be called, was to the high land of North Castle, five or six miles north of White Plains. Here the enemy did not choose to follow us, but withdrew their forces into the city, while their outworks were at King's bridge. General Washington crossed the Hudson River into Jersey, and the enemy followed him till he crossed the Delaware into Pennsylvania.

Our troops, of which our regiment composed a part, in the state of New York, were left under the command of General Charles Lee. Barracks and a hospital had been erected at Peekskill, where our sick were sent, and on or about the first of December General Lee's command was ordered to Peekskill, from whence we crossed the Hudson River into New Jersey, our first stopping place being Morristown. . . . General Lee one night before we encamped, took up his quarters several miles distant from his troops and nearer the enemy, and before morning the house in which he lodged was surrounded by twenty-one British light horse, who made him prisoner. He had no guards or sentinels to give him notice of their approach, but one of his aides, Major Bradford, son of our Governor Bradford, escaped and brought us the intelligence the next morning as we were on our march. I saw him as he rode up to our line. General Sullivan met him and received the news, which immediately spread through the whole line. We halted some time in the road, and Sullivan rode through the line giving orders, to show that we still had a commander left, and did not

appear to regret the loss of Lee. I confess it was not a subject of any grief to me, as I had known him in Providence before he was appointed in our army, and thought we could manufacture as good generals out of American stuff as he was. But this was not the prevalent opinion, for on first raising our army, Congress, as well as other statesmen, were impressed by the idea that the men who had served in the Old French War were only fit to be appointed. Under this error, which General Washington soon found out, Lee, Gates, and others were commissioned. Gates was sent by Congress to command the northern army, without consulting General Washington, and had there not been better generals under him, he would not have had the honor of the surrender of Burgoyne. . . .

We continued our march toward the Delaware. . . . We arrived at the ferry where we were to cross the river to Easton, toward night. Here we received the news that the British had taken possession of Rhode Island.\* . . . Our condition before receiving this news was bad enough. Our day's ration, which we drew in the morning, was a pint of flour per man. Some of us had canteens with only one head. This was fortunate for the possessor, as he could receive his flour in it, and with water mix it into dough to be baked on the embers. Some received their flour on a flat stone, if they could find one; but old Frank, an old Portuguese sailor, who had deserted from the bomb brig in Newport and had enlisted in our regiment, took his ration in his old man-of-war cap, made of tarred yarns . . . . The next day we crossed the Delaware to Easton. We drew no rations till towards night, when we had a small allowance of bread. In the course of the day I was traveling through the town in search of a baker, in hope of purchasing a loaf, when I overtook Lieutenant Stephen Olney, of Hitchcock's regiment, whom I had known in Providence. I inquired of him where I could find a bakehouse, as I could hold out no longer without something to eat. He was as hungry and as much perplexed as I was, but laughed, and said we must make the best of our situation and hope for better times. . . . The next day our tents and camp kettles were loaded into the wagons, and we marched to Bethlehem, situated on the River Lehigh, twelve miles west of Easton. . . . We the next morning crossed the Lehigh by a rope ferry, and, marching south, faced towards Philadelphia. On this march, when we set up our tents for the night, the spare guns and cartridge boxes of the men who had failed by the way were placed in the Quartermaster's tent. . . . We generally had fires in front of our tents at night, to warm ourselves as well as to cook our rations. The dryest leaves which covered the ground we gathered into our tents to sleep on, as the ground was cold and damp. . . . We continued our march to Bristol, twenty miles north of Philadelphia, where we set up our tents in the woods a mile or so west of that town. Here we continued until December 24.

Of the desperate circumstances attending the American Army, Washington on December 21, wrote to Governor Cooke: "The Delaware now divides our small force from General Howe's army, a large part of which is cantoned in the neighboring towns; which, from appearances, and many concurring reports, is only waiting an opportunity to pass. As soon as the ice is formed they will try to effect it. General Howe's object, beyond all question, is to possess Philadelphia. . . . In the course of a few days, the last of this month, the force I now have, by no means equal to his, will, by the impolicy and fatal system of short enlistments, be reduced to a mere handful." Greene, without minimizing the situation, saw a ray of hope; writing on the same day as Washington, he said: "The fright and disaffection was so great in the Jerseys that in our retreat of 100 and odd miles we were never joined by more than a hundred men. I dare say, had that army been in New England, we should not have been under the necessity of retreating twenty miles. We are now on the west side of the Delaware; our force, though small, collected together; but small as it is, I hope to give the enemy a stroke in a few days. Should fortune favor the attack, perhaps it may put a stop to General Howe's progress. His ravages in the Jersey exceed all description. Men slaughtered; women ravished; mothers and daughters ravished in presence of the husbands and sons, who were obliged to be spectators to their brutal conduct. I believe, notwithstanding the general disaffection of a certain order of people, the army will fill up. Should that be the case, nothing is to be feared."

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\*Chapter XIII.

**BATTLE OF TRENTON**—What Greene referred to in the words “I hope to give the enemy a stroke in a few days” was the battle of Trenton. Had Greene been merely the repository of Washington’s confidences he probably would not have referred to the plans for the battle; had the plans been other than his own, Greene would not have used the pronoun “I.” The fair inference to be drawn from the letter of December 21 is that Greene devised the master stroke at Trenton, which marked the turning point of the Revolution. To Washington himself belongs the glory of achieving the victory at Trenton, when other divisions of his army failed to cross the Delaware, and he with a single column proceeded without them to carry into effect by surprise attack what had been planned as a surrounding movement. Crossing at McConkey’s Ferry, Washington led his soldiers eight miles through a blinding snowstorm, and deployed them to enfilade the main streets of the town. Greene commanded the left wing in person. Colonel Rall, commanding the Hessians, was killed, and over 1000 prisoners were taken and carried safely to Lancaster, Pennsylvania. The Rhode Island regiments were not in the battle. John Howland’s narrative refers to the first battle at Trenton as follows: “In the afternoon of that day (December 24) a violent cold snow storm began and continued through the night and the next day, which was Christmas. In the night of the twenty-fourth we mustered out of our tents and marched down to the shore, where a number of boats had been collected to surprise the Hessian garrison on the Jersey side of the river. Here we waited with shouldered arms several hours for the floating ice to open a passage for our boats in which we were to cross, but the vast sheets of ice that came down so fully obstructed the passage that General Cadwallader, our commander, ordered his division back to their tents. We suffered more this night from cold in the snow storm than in any we had yet experienced, and when we reached the camp and shook off the snow as much as possible, and crept into our tents without fire or light, comfort or repose was out of the question. Cold—cold—cold—and that continually. General Washington, with the other half of the army, was more fortunate. They succeeded in crossing the river at Trenton, ten miles above us. The current of the river there being stronger, swept the floating ice so as not greatly to obstruct the passage of the boats. At daylight in the morning he divided his force and advanced on the Hessians in front and rear. Their officers were partly taken by surprise. Knowing that for a considerable time before there had been no American troops in Jersey, they had little reason to expect being attacked by an enemy from Pennsylvania, in such a snow storm; but they made such a defense as, under the circumstances, they were able. They were compelled, however, by Washington to ground their arms. Two regiments and about half of another, with a company of artillery, were made prisoners. A part of the third regiment, quartered at the south part of the town, fled to Bordentown, where we should have accounted for them with the rest of the division cantoned at that place, if the ice had not prevented our crossing from Bristol.” After disposing of his prisoners, Washington occupied Trenton. A division of the army, under General Mifflin, including the three Rhode Island regiments, was sent to Crosswicks, New Jersey, a dozen miles from Trenton.

**BRAVE RHODE ISLANDERS**—The Christmas victory revived American hopes, but Washington faced a serious situation because of the expiration, with the end of the year, of the enlistments of many of his troops. John Howland’s narrative relates the effort made to hold the soldiers for service and the heroic response made by the Rhode Island regiments: “On December 31, 1776, the day on which the term of enlistment of the Continental troops expired, the remnant of all the divisions, brigades or regiments which had composed the army at the opening of the campaign, together with a company of volunteers from Philadelphia, were paraded. The brigade to which we were attached was composed of five regiments, three of which (Varnum’s, Hitchcock’s and Lippitt’s) were from Rhode Island, and the other two



COLONEL WILLIAM BARTON, WHO CAPTURED GENERAL PRESCOTT



(Nixon's and Little's) were from Massachusetts. Colonel Daniel Hitchcock, the oldest colonel present, commanded this brigade. Of the number of men Lippitt's counted more than one-third. This was the time that tried both soul and body. We were standing on frozen ground covered with snow. The hope of the commander-in-chief was sustained by the character of these half-frozen, half-starved men, that he could persuade them to volunteer for another month. He made the attempt and it succeeded. He directed General Mifflin to address our brigade. Seated on a noble-looking horse, and himself clothed in an overcoat made up of a large rose blanket, and a large fur cap on his head, the General made a powerful harangue, persuading us to remain a month or six weeks longer in service. It was expected that in that time the states would send on reinforcements to take our places, and he did not doubt before that time we should be able to expel the enemy from New Jersey. . . . At the close of his speech, the General required all who agreed to remain to poise their firelocks. The poising commenced by some of each platoon, and was followed by the whole line. . . . From the misfortunes and losses of the preceding campaign the army was deficient in baggage wagons, and from the difficulty of transporting what we had across the icy Delaware, we had, by order of the General, left our tents at Bristol. From the celerity and uncertainty of our movements, we could have no quarters more comfortable than the frozen ground covered with snow afforded."

ASSUNPINK CREEK—Washington remained in New Jersey. Mifflin's division, including the Rhode Island regiments, marched back to Trenton on the night of December 31, and were quartered in the houses occupied by the Hessians; scarcely had they finished a hurried meal before they were formed in line for marching. Cornwallis, with 10,000 British, was approaching, and Washington was preparing to draw Cornwallis into the north end of the town, his own forces being south of Assunpink Creek, which flows into the Delaware at Trenton. A company of artillery and a picket was sent to engage Cornwallis, and Hitchcock's Brigade was sent across the creek to cover the retreat of the artillery and picket and fight a rearguard action. "This was toward the close of the day," wrote John Howland. "We met them and opened our ranks to let them\* pass through. We then closed in a compact and rather solid column, as the street through which we were to retreat to the bridge was narrow and the British pressed closely on our rear. Part of the enemy pressed into a street between the main street and the Delaware and fired into our right flank at every space between the houses. When what was now our front arrived near the bridge we were to pass, and where the lower or water street formed a junction with the main street, the British made a quick advance in an oblique direction to cut us off from the bridge. In this they did not succeed, as we had a shorter distance in a direct line to the bridge than they had, and our artillery which was posted on the south side of the brook, between the bridge and the Delaware, played into the front and flank of their column, which induced them to fall back. The bridge was narrow, and our platoons in passing it were crowded into a dense and solid mass, in the rear of which the enemy were making their best efforts. The noble horse of General Washington stood with his breast pressed close against the end of the west rail of the bridge, and the firm, composed and majestic countenance of the General inspired confidence and assurance in a moment so important and critical. In this passage across the bridge it was my fortune to be next the west rail, and arriving at the end of the bridge rail, I was pressed against the shoulder of the General's horse, and in contact with the General's boot. The horse stood as firm as the rider and seemed to understand that he was not to quit his post and station. When I was about half-way across the bridge, the General addressed himself to Colonel Hitchcock, the commander of the brigade, directing him to march his men to that field, and form them immediately . . . at the same

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\*The artillery.

time extending his arm and pointing to a little meadow, at a short distance, on the south side of the creek or river, and between the road and the Delaware." With the rearguard withdrawn, the artillery which had reformed under their cover, commanded the bridge, and Cornwallis postponed effort to cross the bridge until morning. The armies camped for the night, the Americans south, the British north, of Assunpink Creek, the campfires burning brightly as both tried to keep warm. At daylight the British "did not see the American sentinels at the end of the bridge, and some of the officers ventured to pass over. They could see no enemy. They saw the fires still burning which we had hovered over the evening before," wrote John Howland, "but we were not there. The question with Cornwallis and his officers was, 'Where is Washington's army?' . . . None could tell. They were in suspense till sunrise, when they heard the cannon at Princeton." Washington had left his campfires burning and had stolen away in the night to surprise the rearguard of the British army and their baggage train at Princeton.

**BATTLE OF PRINCETON**—In the action at Princeton the service of the Rhode Island regiments was distinguished for gallantry. General Mercer, with an advance guard of Pennsylvania volunteers, encountered the British column on the march; Mercer fell mortally wounded almost at the beginning of the battle, and his detachment retreated in confusion. Colonel James Monroe, an officer in the Pennsylvania militia, and afterward fifth President of the United States, was shot while trying to rally his men, who fled precipitately as the British advanced and almost disrupted Colonel Jeremiah Olney's Rhode Island company, which was advancing steadily and was threatened with confusion as the Pennsylvanians rushed through their line. The Rhode Island troops were steadfast, and Lieutenant Stephen Olney raised and carried Colonel Monroe to the rear and safety. The British surrendered, except a small number who retired to breastworks and resisted for a time. The Americans left Princeton with over 300 prisoners and the British baggage train. Washington thanked Colonel Hitchcock publicly and personally on the battlefield, taking him by the hand and expressing his high appreciation of his conduct and that of the troops he commanded, including the three Rhode Island regiments. Washington marched from Princeton to Somerset Courthouse, and thence to Morristown, where he went into winter quarters. Cornwallis did not pursue after learning the fate of the detachment at Princeton; instead he marched to Brunswick, New Jersey. The battles at Trenton, Assunpink Creek and Princeton had been decisive, and the British thereafter were not active in New Jersey. Colonel Daniel Hitchcock died from the exposure of the campaign a few days after the battle at Princeton, and Israel Angell was promoted to command of the regiment, which Washington called "His Rhode Island Regiment." The Rhode Island troops whose enlistments had expired and who did not reënlist were mustered out, and *walked* home to Rhode Island.

**NEW RHODE ISLAND TROOPS**—Rhode Island's contingent in the new Continental army, raised early in 1777 to serve for the war, consisted of two battalions with many of the officers who had served in the old regiments, including Christopher Greene and Israel Angell as Colonels, Jeremiah Olney as Lieutenant Colonel, Simeon Thayer and Samuel Ward as Majors, John Topham and Stephen Olney as Captains. Nathanael Greene continued as Major General, and James M. Varnum, who had been active in the Rhode Island militia after leaving the Continental army, was appointed as Brigadier General. The British plan of campaign for 1777 aimed at control of the Hudson River and the division of the states on that line. It included Burgoyne's movement from Canada to the Hudson, ending with the decisive action at Bennington and his surrender at Saratoga. The British had occupied Newport in December, 1776. A projected movement against them, for which forces were sent to Rhode Island by other New England states, was abandoned; by some it was interpreted as a gesture

intended principally to occupy the attention of the British and deter them from leaving Newport to assist either Burgoyne or Howe. The latter, instead of moving up the Hudson, aimed at Philadelphia. In June, Greene with three brigades, one of which was commanded by Varnum and included the Rhode Island battalions, drove Howe from New Brunswick, and thus cleared New Jersey of British. While Washington watched anxiously lest the British at New York undertake a movement up the Hudson to coöperate with Burgoyne, Colonel Angell's battalion was at Peekskill, and Colonel Greene's at Fort Montgomery. Both regiments suffered from the neglect that has led some writers of history to describe the American Revolutionary army as nondescript and tatterdemalion. Colonel Israel Angell wrote a letter of appeal in which he declared that his regiment was laughed at, because the soldiers were without shoes and some so poorly clothed as to be unfit for appearance in public. Colonel Greene's regiment was as badly off: Varnum wrote: "The naked situation of the troops when observed for parading for duty is sufficient to extort the tears of compassion from every human being. There are not two in five who have a shoe, stocking, or so much as breeches to render them decent." The General Assembly, in August, 1777, resolved to order the drafting of a bill for the better supply of the troops raised by the State; to send six hogsheads of sugar to the camp at Peekskill; to procure coats, hats, breeches, four pairs of stockings, two pairs of shoes, and four shirts for each of 600 soldiers, to send half the clothing to the Rhode Island troops in Continental service, and to reserve half for the militia on guard duty. Varnum had used persuasion to quiet the Rhode Island troops, who were close to mutiny; the situation cleared with the sending of relief, and the Rhode Island soldiers were in good spirits in the campaign that followed.

**BRANDYWINE CREEK AND GERMANTOWN**—Howe, instead of moving up the Hudson, sailed from Staten Island in a fleet of warships and transports, estimated at 250 sail, leaving to Washington the problem of determining whether the movement was a feint to draw him away from the defences of the Hudson or a blow aimed at Philadelphia. Eventually Howe sailed up Chesapeake Bay to Elkton, thirty-five miles southwest of Philadelphia. Washington had solved the problem, and at Brandywine Creek, with 11,000 men, disputed the advance of Howe, who had 18,000. Howe, with superior forces, executed a flank movement on Washington's right; at a critical period, when the right of the American army, caught between two fires, was giving way, General Greene marched a brigade from the left wing four miles in forty-five minutes to relieve the right, stopped what threatened to be a rout, saved the American artillery from capture, and drove the British back. Washington held the field until night, and then withdrew his army in safety to Chester. Howe occupied Philadelphia on September 26; a large part of his army camped at Germantown. Washington planned a surprise attack on Germantown on October 4; Greene, commanding the left wing, routed the British division facing him. On other fronts resistance was more determined, and Washington was constrained to withdraw as the British were reinforced from Philadelphia. The Rhode Island regiments were conspicuous for gallantry at both Brandywine Creek and Germantown. Their next exploit was at Forts Mercer and Mifflin.

**FORTS MIFFLIN AND MERCER**—Howe had reached Philadelphia overland from the head-waters of Chesapeake Bay, and his line of communications with his fleet as a base for supplies of food and ammunition and for reinforcements, must be maintained over thirty-five miles unless and until he could open the Delaware River. His fleet had failed to pass the American batteries on the Delaware at Red Bank and Mud Island below Philadelphia. At Red Bank was Fort Mercer, and on Mud Island, Fort Mifflin, placed strategically to command the river at a turn in the channel, and admirable for defence against an attack from the water. General Varnum of General Greene's division was in command on the Jersey shore, and he placed

Colonel Christopher Greene and the two Rhode Island regiments in Fort Mercer. Fort Mifflin was commanded by Lieutenant Colonel Daniel Smith of Maryland. Howe determined to reduce the forts and open the river. The British attacked both forts on October 22, the fleet opening a bombardment at Fort Mifflin, which was answered with so much spirit and so effectively that the British retired after losing two vessels, a ship and a frigate. Fort Mercer was attacked on the land side by 1200 Hessians, commanded by Colonel Donop. To a demand for surrender to overwhelming forces, Colonel Greene, who had some 300 Rhode Island soldiers with him, answered: "Say to him (Colonel Donop) that we ask no quarter, nor will we give any. We shall defend the fort or make it our tomb." He abandoned the outer part of the fort, and retired to the inner redoubt. Under shell fire from the fleet and against repeated assaults by the Hessians, Greene and his Rhode Islanders resisted manfully until Colonel Donop fell and the bodies of 400 Hessians covered the approaches to the fort. Inside the fort eight were killed and twenty-four were wounded, including victims of an exploded cannon. The Hessians withdrew, and with both Forts Mercer and Mifflin still held by the Americans, Howe must evacuate Philadelphia unless he could capture or destroy them.

The attack on Fort Mifflin was resumed on November 10, by land batteries, as well as gunboats, water batteries and warships, mounting almost 300 cannon. On November 11, Colonel Smith was wounded and relieved of duty. Lieutenant Colonel Russell, next in rank, asked relief because of ill-health, and General Varnum appointed Major Simeon Thayer of Rhode Island, who had volunteered for this service, to command Fort Mifflin. With him went a detachment of Rhode Islanders from the garrison at Fort Mercer, including Major Silas Talbot. Major Thayer had 300 men in Fort Mifflin on November 12. Meanwhile the bombardment was continuous, and became constantly heavier as new batteries concentrated their fire upon the fortress. The American artillery fire, directed by Major Thayer, was so effective as almost to dishearten the British, but they continued to fire, demolishing ramparts and dismounting cannon, and killing and wounding the devoted defenders. Major Thayer, dauntless, determined, defiant, planned to hold the fort, in spite of his losses, notwithstanding the fact that the British took advantage of darkness to move their water batteries nearer and into more satisfactory positions. By the night of November 15 the fort was practically demolished, ammunition was running low, most of the cannon had been silenced, and Major Thayer had lost almost 250 men, most of whom had been killed. Under cover of darkness Major Thayer removed all his wounded men, including Major Talbot, across the river to Fort Mercer. He had then only forty men available for further service, and with these he recrossed the river to Fort Mifflin, spiked the remaining cannon, mined so much of the fort as was still standing, exploded the magazine, and then, with the faithful forty, crossed the river for the third time that night, escaping to Fort Mercer.

With Fort Mifflin destroyed, a combined attack, by land and water, on Fort Mercer was planned by the British, Cornwallis commanding. Generals Greene and Lafayette had been directed to reinforce the garrison at Fort Mercer. Strategy counselled discretion in the face of almost certain disaster. The main purpose of the gallant defence had not been so much the closing of the river as holding the British in check until regiments could be released from the Saratoga campaign to reinforce Washington's army; this had been accomplished. Colonel Greene and his brave Rhode Island troops were withdrawn from Fort Mercer on November 17. Congress voted Colonel Greene a sword for his heroic defence of Fort Mercer on October 22.

VALLEY FORGE—After their duties at the forts on the Delaware the Rhode Island troops went into winter quarters with Washington at Valley Forge, which had been selected by General Greene as capable of defence against assault or surprise. The trench lines may still be

traced at Valley Forge, where Washington's headquarters are preserved and other spots are marked, some by monuments. There may be seen the place where Varnum spent the winter, near which the Rhode Island soldiers camped. It was a fearful winter of suffering from cold, famine, disease and exposure for want of clothing. Two Rhode Island officers died of small-pox. Clothing was sent forward from Rhode Island, but not in time to prevent suffering. At home also, the people were enduring a régime made miserable by the British occupation of Newport and the consequent interruption of the commerce on which they were dependent for food and other life necessities. Early in January, 1778, General Varnum proposed that the two Rhode Island battalions at Valley Forge be consolidated and that Colonel Greene, Lieutenant Colonel Olney, Major Ward and other officers be sent home to Rhode Island to recruit a regiment of slaves. Washington presented the proposal in a letter to the General Assembly, which in February authorized the enlistment of "able-bodied negro, mulatto or Indian" men slaves, each of whom should, "upon his passing muster before Colonel Christopher Greene, be immediately discharged from the service of his master or masters, and be absolutely free, as though he had never been encumbered with any kind of servitude or slavery." Owners were to be paid for slaves thus freed the fair value, not exceeding £120 in any instance. By later resolution the time of enlisting slaves was limited to the period ending June 10. The regiment was raised, organized, drilled and disciplined by Colonel Greene and his associates. It participated in the battle of Rhode Island in August, 1778; there it was commanded by Major Samuel Ward.

In February, 1778, Rhode Islanders repeated the visit that Esek Hopkins made to New Providence early in 1776. The "Providence," sloop, twelve guns, Captain John Rathbone, United States navy, with a crew principally from Rhode Island, landed Lieutenant John Trevett and fifteen men. Trevett's party scaled the walls of the fort during the night, surprised the garrison and took them prisoners. Six vessels in the harbor were driven off by artillery fire. After three days the cannon were spiked, the "Providence" was loaded with military stores and sailed away after a successful raid in which no American lives had been lost. The second raid on New Providence occurred at almost the same time that the United States and France were perfecting a treaty of alliance, in which France recognized American independence.

MONMOUTH—Howe resigned, and Clinton, his successor, evacuated Philadelphia on June 18, retreating across New Jersey toward New York. Washington hastened from Valley Forge to intercept Clinton, and forced a battle at Monmouth. General Charles Lee, commanding the American advance, ordered a retreat under circumstances that suggested cowardice or treachery on his part, and was rebuked on the battlefield by Washington. The latter called on General Greene, who commanded the right wing, and Greene sent Varnum's brigade, including the Rhode Island regiment, into the fray to stop the British advance, as Washington himself rallied Lee's troops and led them back into action. Threatened disaster was turned into decisive victory. Clinton abandoned the field, and continued to retreat, precipitately, toward New York. Victory rested with Washington, Greene, Varnum and the brave Rhode Islanders. Lee was suspended for disobedience of orders.

Greene had been one of the first Americans to measure Lee accurately; the latter, with Gates, had been overrated because of their experience in the French and Indian War. Early in January, 1777, Greene wrote to Governor Cooke, referring to Lee: "I must confess I have not the highest veneration for the General's recommendation. His temper scarce admits of a proper medium to form a just estimate of people and things. His approbation and execration depend often upon trifles; besides, the General doesn't know the power he has over the Americans, and consequently is not cautious enough in his recommendations not to abuse it."

General Greene, Varnum and the Rhode Island troops returned to Rhode Island for the

battle of Rhode Island, in August, 1778.\* Nathanael Greene had been appointed Quartermaster General, May 2, 1778, accepting reluctantly, at the earnest request of Washington. The Rhode Island troops spent the winter of 1778-79 at Warren. Through 1779 and 1780 they were engaged in the operations about New York, where Clinton and the British lay practically under siege by land, although still commanding waterways because of the fleet. Captain John B. Hopkins, of Rhode Island, commanding the "Warren," ship, built in Narragansett Bay, and as senior captain also the squadron including the "Warren," "Queen of France," Captain Joseph Olney, and "Ranger," Captain Simpson, brought into Boston on February 16, 1779, as prizes seven British vessels, including one armed ship and six transports, which they had captured off Cape Henry.

SPRINGFIELD—General Greene won a brilliant victory over Clinton at Springfield, New Jersey, on July 23, 1780. In this battle 170 Rhode Island soldiers, under Colonel Israel Angell, repulsed an attack by 1500 British and Hessians, and saved the First Rhode Island Regiment, Colonel Christopher Greene, from capture. Colonel Greene held Springfield with 1000 men; Kniphauser and Clinton advanced from Elizabethtown with 7000, their objective the capture of Greene and Springfield. Colonel Angell and his detachment guarded the bridge over the Rahway River. After a sturdy resistance, in which he held the British and Hessians at bay, Colonel Angell withdrew his men skilfully, having lost forty. Clinton had been so severely punished, however, that he retreated and returned to his base at Staten Island. For this distinguished gallantry in action General Washington complimented Colonel Angell and the Rhode Island regiment in general orders. Washington also wrote to Governor Greene of Rhode Island as follows: "The gallant behavior of Colonel Angell's regiment reflects the highest honor upon the officers and men. They disputed an important pass with so obstinate a bravery that they lost upward of forty men, killed and wounded and missing, before they gave up their ground to a vast superiority of forces. The ready and ample manner in which your state has complied with the requisition of the committee, both as to men and supplies, entitles her to the thanks of the public, and affords the highest satisfaction to your excellency's most obedient servant." At Springfield, New Jersey, on the bridge across the Rahway River is a tablet, inscribed: "To the memory of Colonel Israel Angell, who commanded the Second Rhode Island Infantry at the battle of Springfield, June 23, 1780." In July, 1781, the two Rhode Island regiments were consolidated as one, and Colonel Angell retired from service.

DEATH OF COLONEL GREENE—Colonel Christopher Greene was killed near Croton Bridge, New York, on the night of May 13, 1781. After the battle of Rhode Island he had remained with his division in Rhode Island until the British evacuated Newport. Surprised in his quarters by British and Tories while assigned to duty at Croton Bridge, Colonel Greene was as little inclined to surrender as he had been at Red Bank. Instead he cut down several of his assailants with his sword. He fell finally, horribly wounded and mutilated. His left arm had been cut off, his right arm was slashed in two places, his left shoulder was wounded, his stomach was pierced by a sword, his right side was torn by a bayonet, and his head was clubbed and mangled. He was dragged from his tent to a wood a mile distant, and there left to die. Colonel Greene was every inch a soldier. Aged thirty-eight when he volunteered for the expedition against Quebec, his persistence on the terrible march through Maine and Canada was the dogged courage of a man of settled life. His answer to Colonel Donop at Fort Mercer, "We shall defend the fort or make it our tomb," still rings true and is as eloquent as the epitaph of Leonidas and the Spartans at Thermopylæ, "Stranger, tell the Lacedæmonians that we lie here at their command." He met death, resisting vigorously overwhelming force, as indicated by his wounds and the circle of assailants who fell before his sword. Democ-

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\*Chapter XIII.



Christopher Greene

CHRISTOPHER GREENE, HERO OF RED BANK



racy will be safe in Rhode Island while her sons and daughters recall the story of Christopher Greene and his valiant effort to protect liberty and to win Independence.

**GREENE ORDERED SOUTH**—To stem the tide of British successes in the South, which included restoration of the royal governor in Georgia and almost the conquest of South Carolina, Congress sent Gates to South Carolina, against the advice of Washington, who had suggested General Nathanael Greene. Gates was summarily defeated at Camden August 16, 1780, and was superseded by General Greene on December 2. The advance of Cornwallis, who commanded the British, into North Carolina had been checked by the defeat of Ferguson at King's Mountain, October 7. Greene found an army of 800 American soldiers still fit for service, and made his camp at Cheraw. Greene sent Morgan to Ninety-Six, and Cornwallis then tried to take advantage of the division of Greene's forces, sending Tarleton against Morgan, who defeated the former at Cowpens, January 17. Cornwallis then tried to prevent a reunion of Greene's army; Greene sending his own division north, rode 100 miles across country to join Morgan, whom Cornwallis was pursuing vigorously. Thence ensued one of the most masterly retreats in the history of war, Greene leading Cornwallis ever further away from his base. At Guilford Courthouse the American divisions were reunited, but Greene crossed the Dan River, awaiting reinforcements and an opportunity to reorganize his troops. Greene recrossed the Dan to meet Cornwallis, who had become wearied of the pursuit. The armies met at Guilford Courthouse on March 15, 1781, in desperate battle. Cornwallis was dismounted thrice as horses were killed under him. Near the field stands a tree known as Battle Ground Oak, to which, tradition records, Greene tied his horse during the fight, as he undertook to lead and direct his men in person. With fresh and final reserves Cornwallis drove Greene from the field of battle, but the retreat was in good order and Greene's army was intact and undefeated. Cornwallis dared not pursue; instead, fearing Greene's return, Cornwallis fled precipitately two days later, abandoning his wounded. The evacuation of North Carolina was thus begun on March 17, the anniversary of the evacuation of Boston. Another such victory, said Fox in the British Parliament, referring in the course of debate to the battle of Guilford Courthouse, would mean the destruction of the British army in America. The wisdom of Fox recalls the remark of Greene after the battle of Bunker Hill, "I wish we could sell them another hill at the same price." Cornwallis, though awarded a technical victory for possession of the field at the end of the day, had been so thoroughly defeated that he stayed not his flight until he reached Wilmington and the coast, where a fleet awaited him.

The entire battlefield of Guilford Courthouse is preserved as a public park. The battlefield is marked by a group of monuments commemorating various episodes or the heroes concerned in them. The outstanding monument is a splendid equestrian statue of Nathanael Greene, erected by the United States Government. A granite boulder, with four sides facing the cardinal points of the compass, bears on its east face the inscription, "No South—Greene," and on the west face, "No North—Washington." As the soldier from the Old Dominion had saved the northern states, the soldier from Rhode Island had rescued the South from control by the British. The Greene monument at Guilford Courthouse carries also an inscription recording a generous appreciation of Greene by Cornwallis: "Greene is as dangerous as Washington. I never feel secure when encamped in his neighborhood."

Greene had no doubt of the thorough demoralization of the British at Guilford Courthouse; instead of following Cornwallis to the coast, he disregarded the beaten foe and returned to the major purpose of his campaign, which was the destruction of British and Tory power in the South. With Cornwallis out of the way the task involved a systematic campaign to drive the remaining British out and to suppress the Tories. Rawdon lay at Camden with his base at Charleston; sending Marion, Lee and Sumter to isolate Rawdon from Charleston,

Greene advanced to Hobkirk's Hill, where Rawdon attacked him on March 25. Greene retired from the field with his army intact and in good order; Rawdon burned Camden and retreated. Rawdon raised the siege of Ninety-six undertaken by Greene, but burned the town and again retreated. At Eutaw Springs, September 8, Greene attacked Stewart, who rallied his troops and fled with the loss of 700. Guilford Courthouse, Hobkirk's Hill, Ninety-Six, and Eutaw Springs were all technical victories for the British; but Greene had won the campaign and saved the South. The British had lost Georgia and South Carolina, except Savannah and Charleston, which were held practically under conditions of siege.

**YORKTOWN**—Cornwallis left Wilmington on April 25 and marched through North Carolina northward into Virginia, where he met Arnold on May 20. The united British army then numbered 5000 men and Cornwallis marched toward Richmond, where Lafayette had 2500 soldiers. Lafayette skilfully avoided battle, leading the British a merry chase, and Cornwallis, with reinforcements that brought his army to 7000, fortified Yorktown. Washington ordered Rochambeau, with 5000 French, from Newport to New York, deceiving Clinton, who believed that Washington planned a movement to retake the city. Leaving a detachment to worry Clinton and continue the deceit, the combined American and French armies marched overland to Chesapeake Bay, where they boarded transports for the James. A French fleet sailed into the roads, and Cornwallis found himself in a trap at Yorktown, surrounded by an army of 16,000, nearly half of whom were French, and half Americans. The Rhode Island troops were with Washington. Siege operations were conducted until the American parallels were close to the British lines. Two redoubts held tenaciously by Cornwallis, remained; their capture would open his lines to fire, and the task of taking them was assigned on the night of October 14 to a joint attack by Americans and French. The movement was effective and decisive. The Rhode Island troops, Colonel Jeremiah Olney's regiment, Captain Stephen Olney's company, led the American column, and were first to cross the British outer works. Captain Stephen Olney, leading his company reached the parapet, and commanded "Captain Olney's company, form here!" Six or eight bayonets were thrust at him by the defenders; one pierced his thigh, another stabbed him in the abdomen above the hip-bone. He was struck in the arm by a bullet from a musket, but, in spite of his wounds, continued to fight on and encourage his men. The latter reformed and charged, and drove out the British. After reforming his troops inside the fort, Captain Olney was carried from the field with what were then believed to be mortal wounds. Withal he recovered quickly and shortly thereafter returned to his regiment. Thus the Rhode Island regiment completed at Yorktown the defeat which Nathanael Greene had begun to fashion for Cornwallis at Guilford Courthouse. Cornwallis surrendered on October 19, 1781.

In the struggle beyond the borders of the colony and state Rhode Island's sons had played their part valiantly and with distinction. The Rhode Island regiments had won enduring fame at Boston, Quebec, Long Island, Harlem, White Plains, Princeton, Trenton, Brandywine Creek, Germantown, Red Bank, Mud Island, Valley Forge, New Brunswick, Monmouth, Springfield, and Yorktown. Nathanael Greene, conspicuous throughout the war for brilliant achievement as constant, never-failing auxiliary of Washington, had saved the South and driven Cornwallis on to Yorktown. Historians rate him second only to Washington in those qualities, which, additional to military genius of the highest order, mark the great commanders of men. No state produced finer soldiers than those of Rhode Island in the Continental army, and none a group of military officers so brilliant as Nathanael Greene, James M. Varnum, Christopher Greene, Simeon Thayer, Israel Angell, Daniel Hitchcock, Stephen Olney, John Topham and Jeremiah Olney; an amphibian equal in daring and ingenuity to Silas Talbot; and sailors rivaling Esek Hopkins, John B. Hopkins and Abraham Whipple. Of these and others, too, we shall read more in the chapter that tells the story of Rhode Island in the Revolution, at home.

## CHAPTER XIII.

### RHODE ISLAND IN THE REVOLUTION (AT HOME).



EASURES intended to place Rhode Island in a posture for military defence against aggressive action by the British to enforce obnoxious laws were taken as early as October, 1774, when several independent military companies were chartered, including the Kentish Guards, from whose membership were drawn subsequently Nathanael Greene, James M. Varnum and Christopher Greene. The cannon, lest they be taken by the British navy, were removed from Fort George in December. Other independent military companies were chartered, and the General Assembly ordered the purchase of powder, lead and flints in large quantities, and the distribution to other counties of the colony arms, theretofore stored at Newport. Simeon Potter was appointed Major General, in immediate command of all the armed forces of the colony, and he, with the Governor as Captain General, and the Deputy Governor as Lieutenant General, were authorized to mobilize the militia, and to march, if need be, to the assistance "of any of our sister colonies when invaded or attacked." To Jeremiah Hopkins a lottery was granted to assist him in raising money wherewith to procure tools and instruments and establish a factory for setting up "the business of a gunsmith." More ammunition was purchased in April, 1775, after the battles at Lexington and Concord, and an "army of observation" for service in or out of Rhode Island was authorized. The "army of observation" was actually in service, whereas the militia for the time being was subject to call for service. Reprisals by the British for overt acts of war already committed in Narragansett Bay\* were anticipated, and the seat of government was removed to Providence from Newport, which was exposed to capture easily. The Secretary had removed the colony records from Newport earlier, and the Treasurer was ordered to remove the colony treasury in May, 1775. For the first time since the granting of the Charter of 1663, the annual election meeting of the General Assembly was held, in May, 1775, in Providence instead of Newport. To obtain the credit and money necessary for arming, equipping, and paying the 1500 soldiers in the "army of observation," and for the purpose of meeting other extraordinary expenditures incidental to wartime preparedness, the colony had recourse to issuing paper money, £40,000 of which was printed by John Carter early in 1775.† A committee of safety was appointed, with drastic military authority, extending practically to substituting martial for civil law, should occasion arise. Two vessels for the defence of Narragansett Bay were armed and ordered on patrol duty. In measures of resistance short of actual war Governor Wanton and others, who were determined to maintain the Charter rights of the colony, but who recognized an allegiance to Great Britain paramount to that which they owed to Rhode Island, acquiesced or participated. The issue of colony or imperial sovereignty was reached and could no longer be evaded when Rhode Island undertook to raise and support an army. In spite of his protest against this action of the General Assembly, Governor Wanton was still popular enough to be reelected in 1775, although the disposition to continue him in office might be interpreted as a gesture on the part of the war party in Rhode Island, intended to maintain a semblance of unanimity and union within the body politic, or to unite in the common cause all except the small group of loyalists who never ceased from the early days of the colony to foment opposition to the Charter government. As a matter of fact, the war party controlled the General Assembly in 1774, was stronger in

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†These notes carried 2½% interest and were not legal tender.

1775, and was overwhelming in 1776. When it became clear that Governor Wanton would not join with the patriot cause, he was deposed and superseded.

**PREPARATIONS FOR WAR**—That the General Assembly interpreted the situation in Rhode Island in 1775 and the relations then existing between Rhode Island and Great Britain as constituting war is unquestionable, in view of two resolutions adopted, additional to many measures of a warlike nature. A resolution of August, urging Congress to build and equip “an American fleet as soon as possible,” declared: “This colony will most heartily exert the whole power of government, in conjunction with the other colonies, for carrying on this just and necessary *war*, and bringing the same to a happy issue.” The same resolution declared that the British Ministry, “lost to every sentiment of justice, liberty and humanity, continue to send troops and ships of war into America, which destroy our trade, plunder and burn our towns, and murder the good people of these colonies.” This resolution is noteworthy also for the use of the words “America” and “American” with exactly the connotation common in the United States since the Revolution, and also for the use of the words “Justice, Liberty and Humanity” in the manner in which the French revolutionists subsequently acclaimed “Liberty, Equality and Fraternity”; indeed, both usage and meaning are almost exactly similar. At the October session, 1775, the preamble of an act establishing penalties for “holding traitorous correspondence with the Ministry of Great Britain or any of their officers or agents; or of supplying the ministerial army or navy that now is or may be employed in America against the United Colonies with provisions, cannon, arms, ammunition, warlike or naval stores, or of acting as pilots on board any of their ships and vessels,” accused the ministry of having “for several years last past steadily pursued a plan for subjecting the inhabitants of the British colonies in America to an absolute, unconditioned state of slavery,” and of having “proceeded at length to the burning of our towns, and spreading desolation and slaughter, as far as it hath been in their power, through the country, in a manner totally inconsistent with the practice of civilized nations, and unworthy of the reputation formerly sustained by British troops,” and declared that the colonies had “been reduced to the fatal necessity of *taking up arms* in defence of those inestimable rights and liberties which they derive from the *unerring laws of nature*, and the fundamental principles of the British Constitution, and which they cannot resign but with their lives.” An even more fundamental justification for the Revolution than the violation of the Charter of Rhode Island and the British constitution was alleged in the violation of “the unerring laws of nature.”

The form of enlistment of soldiers for the Continental and colony armies indicated a gradual shaping of an attitude reflecting the change from subject of the King to free citizen of the Colony. The soldiers for the “army of observation” were enlisted in his majesty’s service, thus: “I, the subscriber, hereby solemnly engage and enlist myself as a soldier in his majesty’s service, and in the pay of the colony of Rhode Island, for the preservation of the liberties of America.” Reference to his majesty was omitted from the forms of enlistment used later in 1775. Minutemen enlisted under authorization of the General Assembly in mid-summer subscribed to an engagement as follows: “We, the subscribers, voluntarily enlist ourselves to serve as minutemen, in the service of this colony, to be under the immediate command of our superior officers, and subject to the law of the colony for regulating the minutemen.” The minutemen thus engaged comprised one-fourth of the militia; the militia included all men capable of bearing arms. The independent companies chartered in 1774 and in 1775 were encouraged to enroll themselves as companies of minutemen. Later in the year, at the session of the General Assembly at Providence, opening on October 31, a regiment of 500 men was ordered raised, armed and equipped, in the pay and service of the colony. The form of enlistment for this regiment follows: “I ..... hereby solemnly engage and

enlist myself as a soldier, in the pay of the colony of Rhode Island, for the preservation of the liberties of America, and the defence of the United Colonies in general, and of this colony in particular; . . . . and I hereby promise to submit myself to all the orders and regulations of the army, and faithfully to observe and obey all such orders as I shall receive from time to time from my officers." Rhode Island had four types of soldiers enrolled, and in service or subject to call, late in 1775, as follows: The "army of observation," engaged in service outside the colony, and then with the Continental army besieging Boston, and under the "command and direction of the commander-in-chief," George Washington, by order of the General Assembly; a regiment of 500 men, actually in the active service of the colony, stationed on the island of Rhode Island, and commanded by Colonel Esek Hopkins; minutemen, consisting of one-quarter of the able-bodied men of the colony, and the independent companies, all organized in companies and under officers, and subject to call into active service without previous notice; the militia, all able-bodied men, not actually in service or enrolled as minutemen. The Rhode Island navy, two sloops and two row gallies, was manned by Rhode Island sailors.

To be effective, soldiers must be armed and supplied with ammunition. An inventory of arms and ammunition was ordered by the General Assembly in June, 1775, the information when collected to be transmitted to the Continental Congress. At the same session of the General Assembly, a committee was directed to collect all the saltpetre and brimstone in the colony and send it to New York, for use in manufacturing powder. Officers were authorized to purchase for the colony all powder that might be imported from beyond the seas, and particularly to buy from John Brown all the powder he had to sell. That enterprising merchant had seized upon opportunity, and had not only imported powder in quantity as cargo for his vessels returning from trading voyages, but had even ventured to send his ships to rob the British warehouses of ammunition in the West Indies!

The same difficulty of distance and communication that defeated ultimately the British plans for suppressing the Revolution were compelling with reference to preparedness and supply in the colonies; the Rhode Island General Assembly was prompt to recognize the inconvenience and hazard of dependence upon other colonies for supplies of any sort during a period in which effective British control of the sea and harbors interfered seriously with commerce, and to take measures for home production and manufacture of the necessities of war. To encourage the manufacture of saltpetre in the colony a bounty was offered in August, 1775, and in October Joseph Brown, Jabez Bowen and Joseph Snow, Jr., were authorized to manufacture saltpetre at the risk of the colony; in this instance the colony itself undertook an industrial enterprise as a war measure. Eight field pieces were ordered cast in Rhode Island foundries in August, 1775, and later in the year the Governor, John Jenks and Colonel William West were appointed as a committee to inquire "at what price good muskets for the Continental army can be made in this colony," and also to inquire "at the neighboring furnaces at what price the cannon proposed to be procured for the use of the colony can be got." The iron industry in Rhode Island, severely restricted during the colonial period by measures intended to monopolize it so far as possible for Great Britain, was thus stimulated. Out of these inquiries and favorable answers to them arose the activity in Rhode Island furnaces and foundries that made the colony throughout the war one of the most significant contributors of muskets and cannon to the Continental armies. In 1774 Captain Stephen Jenks had patented improvements on firearms and begun the manufacture of them extensively. Several of the independent companies raised in Rhode Island were armed with muskets manufactured in the colony. Muskets of the Jenks pattern were of superior quality, and Captain Jenks and his employes worked energetically in order to supply these weapons in quantities for the revolutionary armies. Sixty heavy cannon, the first made in America, were cast under the direction of Captain Jenks; and other field pieces were made at the Jenks iron

works during the war. The cannon not removed from Fort George in 1774 were taken to Newport in 1775.

**THE ISLAND PROBLEMS**—Quite as much to prevent forcible taking by the British fleet as food for sailors and the soldiers besieged in Boston as to feed the American troops, the General Assembly ordered the removal of cattle and sheep from Block Island in August, 1775. For this service 250 men enlisted as soldiers were engaged. The cattle and sheep suitable for marketing were slaughtered and sent as provisions to the army. Later in the year cattle and sheep were removed from Conanicut, Prudence, Hog and other islands in Narragansett Bay, all being practically stripped of meat animals, save swine and poultry, except the island of Rhode Island. The value of the animals removed, as appraised for reimbursement of owners was £534 9s. 6d., Block Island; £850 9s., Conanicut; £530 6s. 10d., Prudence. Thereafter the committee of safety controlled the transportation of cattle and sheep to and from the islands by way of the ferries, as a measure intended both to regulate food supplies and to prevent capture by the British squadron operating in the waters of Narragansett Bay, particularly near the mouth. A rigid embargo was imposed on the transportation of food outside the colony, and vessels departing were limited to stores judged barely sufficient for the voyage for which clearance was obtained; the embargo was modified later to permit supplying Nantucket with food.

Newport, when guarded by Fort George, was reasonably protected only from attack by pirates or privateers; against the heavy batteries of warships Fort George was indefensible. It was recognition of this weakness that induced the removal of cannon in 1774 rather than manning the guns for defence. The capital town lay close by the ocean, open to capture or to bombardment by the British; the latter was much to be feared because of the behavior of the British fleet elsewhere in 1775. On July 20, appointed by the Congress as a national fast day, Newport lay anxiously in fear under the guns of Wallace, commanding the "Rose," frigate, and four other armed vessels. Alleging that some of his sailors, who had deserted, were detained in Newport, Wallace continued for two days to threaten bombardment, but withdrew eventually without firing. On October 4, Wallace, reinforced by four additional vessels, again threatened to bombard and destroy Newport as a demonstration to support his demand that the town furnish weekly supplies of fresh beef and beer for his sailors. Meanwhile he had cut off the town's daily supplies of vegetables, fish and wood, and other necessities by interference with ferries and other boats. The inhabitants began to flee, while a heavy storm, October 5 and 6, added to their misery. Esek Hopkins, with 600 armed men, was hurried to the island, but did not enter the town of Newport. Wallace withdrew on October 7 after exacting an agreement with the town council, which subsequently was confirmed by the General Assembly. Under the terms of the agreement Wallace was to be permitted to purchase in Newport, and Newport was to provide, weekly supplies of beef and beer for the fleet, and Wallace agreed not to bombard the town, and to permit "ferry boats, wood boats, and their passengers, etc., to pass and repass unmolested with the common supplies for the town of the common and usual necessities of life"; meanwhile the Rhode Island troops were not to enter Newport. The flight from Newport continued even after the immediate threat was removed. The poor in the town were reduced to extraordinary straits, and the General Assembly appropriated £200 for their relief and to assist other removals. To prevent profiteering the Assembly also regulated charges for removing furniture and other property from the town.

Washington complained in January against continuance of the agreement for supplying Wallace with beef and beer. Under date of January 6, 1776, he wrote to Governor Cooke: "I am told that Captain Wallace's ships have been supplied for some time, with provisions by

the town of Newport, on certain conditions, stipulated between him and the committee. When this treaty was first obtained, perhaps it was right; there then might have been some hopes of an accommodation taking place; but now . . . when the throne, from which we had expected redress, breathes forth vengeance and indignation, and firm determination to remain unalterable in its purpose, and to prosecute the system and plan of ruin formed by the ministry against us, should not an end be put to it and every possible method be fallen upon to prevent their getting necessities of any kind? We need not expect to conquer our enemies by good offices, and I know not what pernicious consequences may result from a precedent of this sort. Other places, circumstanced as Newport is, may follow the example, and, by that means, their whole fleet and army will be furnished with what it highly concerns us to keep them from; this, however, with all deference, I leave to your consideration."

**BRITISH DEPREDACTIONS**—The obnoxious activities of Wallace and the "Rose" in Rhode Island waters had led, in June, to the first naval engagement of the Revolution, between an armed colony sloop, commanded by Abraham Whipple, and the tender of the "Rose."\* Sailing up Narragansett Bay later in the month, the "Rose," the "Swan," sloop, and a tender left at Newport five vessels which had previously been captured. Newport people boarded the captured vessels while the British were absent, and sailed them away to safety. No prizes were taken on the cruise northward. In August Wallace threatened Providence, but was impressed by the fortifications and batteries guarding the Providence River, and returned to his base after raiding Patience Island for cattle. A brig from the West Indies was captured off Warwick Neck. Following the demonstration at Newport, October 4-7, Wallace sailed for Bristol and bombarded the town. After reducing his demand for cattle and sheep to forty sheep, which were furnished, he sailed away. John Howland, who was with the minutemen assembled at Newport, referred to the bombardment of Bristol thus: "I saw Wallace with his fleet when they got under way . . . and as he sailed slowly up the river we commenced our march in range with him. As it was our business to attack any men he might attempt to land, we kept even pace with him till we arrived at Bristol Ferry, where one of his fleet grounded on the extreme northwest point of the island. Wallace, with the rest of his squadron, came to, waiting for the tide to rise to float the grounded one. . . . It was dark when the vessel floated, and Wallace stood with all his fleet for Bristol harbor. We stood on the high ground near the ferry, and saw the flash of his guns, which appeared to be mostly discharged in broadsides; but such was the state of the air we could hear none of the report though only four miles off. . . . Governor Bradford, Simeon Potter, Benjamin Bosworth and others repaired to the head of the wharf to confer with Wallace, to induce him to cease his attack. He agreed for some sheep and oxen to be sent on board in the morning, which was complied with, and the fray was over."

Two privateers, sailing from Providence, repulsed an attack by a British schooner and tenders on November 9. In December the British raided Jamestown, plundered and burned houses and barns, and carried off livestock. Thereupon there was another exodus from Newport, some 400 persons, mostly poor, seeking refuge and finding it in Providence. These demonstrations by the British fleet had served an important purpose, if no other, of proving the need for fortifications and other measures for defence. In June a watch and beacon were established on Tower Hill in South Kingstown to warn the northern part of the colony of the approach of a hostile fleet. In July Providence established a beacon on Prospect Hill. The beacon consisted of a kettle filled with inflammable material hanging from a crane at the top of a mast probably eighty feet high. Other beacons were placed on Chopmist Hill in Scituate, Beacon Pole Hill in Cumberland, and Tonomy Hill on Rhode Island. For the defence of

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Providence against attack from the river a battery of six eighteen-pound cannon was located on Fox Hill at Fox Point. Of the exact location of this battery no trace remains, possibly because of the grading undertaken in connection with the Brook Street extension after the Sprague failure. On the west side of the river earthworks were erected on Robin Hill between Field's Point and Sassafras Point. In a letter written to his brother Solomon Drowne fixed the date of the fortification of the west side as early in August, and estimated the number of men engaged on the work as nearly 200; the breastwork "extended near one-quarter of a mile." East of the river, in territory then part of the Massachusetts town of Rehoboth, but now part of the Rhode Island town of East Providence, Fort Hill was fortified to guard Hog Pen Point. The fort at Hog Pen Point was constructed by the town of Rehoboth for the defence of Providence after a conference between representatives of the towns. The fort at Robin Hill commanded the main channel, which at that point ran to the west; the fort at Fox Point commanded both the channels of the Providence and Seekonk Rivers, while the fort at Hog Pen Point commanded the Seekonk River, and approaches to Providence by parties landed below the town on the then Massachusetts side of the Providence River. After the bombardment of Bristol in October, 1775, other forts were built, at Field's Point and Pawtuxet on the west side of the river, and at Kettle Point on the east side; and the mouth of the river at the narrow place between Field's Point and Kettle Point was closed to hostile vessels by a chain and boom stretched across. In November, 1775, Joseph Brown and Esek Hopkins "were appointed a committee to go through this colony and determine in what places it may be necessary to erect batteries or entrenchments for the defence of this colony; and in what towns to provide field pieces, specifying the number, the bore and the weight of metal; and also whether any fire ships are necessary, and what number, and in what places it will be proper to sink hulks, *etc.*," with power to act subject to the approval of the "grand committee of safety."

Although the British vessels stationed in and about Narragansett Bay were more numerous and more aggressive in 1775 than in earlier years, conditions varied little otherwise. Rhode Island captains and sailors carried on as usual, except that they were more daring and venturesome, in view of the British activity. The exploit of Isaac Eslick of Bristol illustrates the resourcefulness of a Rhode Island seaman. His own boat had been seized by the British and was detained as a prize. When the "Viper," sloop of war, captured the "Polly," sloop, Samuel Barnes, master, bound from Antigua to New York, Isaac Eslick was placed on board the prize as pilot and promised the return of his vessel if he would steer the sloop faithfully into Boston harbor. Instead, Isaac Eslick, with two of the crew of the "Polly," who remained on board, "with great address brought the sloop into Seaconnet River, so that she, with her cargo, were recovered out of the hands of the enemy, and taken into the possession and care of General Esek Hopkins."

TREATMENT OF TORIES—Governor Wanton, whose suspension from office had been continued from May, 1775, "to give him an opportunity of making due satisfaction for his former conduct and of convincing this General Assembly of his friendly disposition to the United Colonies in general and to his colony in particular," was removed from office at the October session, 1775, because "by the whole course of his behavior" he "hath continued to demonstrate that he is inimical to the rights and liberties of America, and is thereby rendered totally unfit to sustain the said office." Nicholas Cooke, of Providence, Deputy Governor and acting Governor during the suspension of Governor Wanton, was elected as Governor, and William Bradford of Bristol was chosen as Deputy Governor. As reprisals for activities hostile to the government of Rhode Island the estates of Tories resident in the colony and of other Tories residing elsewhere but owning property in Rhode Island were seized, and the rents confis-

cated. For the time being the estates were not confiscate, the colony assuming only the right to immediate possession and the relation of landlord to the tenants in occupancy. Attempts to avoid the consequences of seizure by sale or other alienation were forbidden and rendered ineffective by declaring deeds affecting the properties invalid unless recorded before October 5. Among the Tories affected were George Rome, Jahleel Brenton and Thomas Moffatt, whose opposition to the Charter government had been manifested even before the Revolution; and Thomas Hutchinson, sometime Governor of Massachusetts, and Samuel Sewall, owner of large estates in King's County. On the other hand, instead of declaring a moratorium for the relief of debtors, the statute of limitations was repealed, as a measure to encourage creditors to be lenient with debtors and to extend the time for payment of accounts. The colony debt was increased late in the year 1775 by the issuing of £20,000 additional notes,\* making the total issues for the year £60,000. These notes were to be redeemed at the rate of six shillings for one Spanish milled dollar, and for the time being were accepted readily and without depreciation in legal tender transactions. Congress also undertook to finance its share of war expenditures by issuing paper currency, and the General Assembly in August, 1775, made the new Continental notes legal tender in Rhode Island, and enacted statutes forbidding and penalizing counterfeiting of them. The legal machinery for appeals from colony courts to the King in council was made ineffective by repeal of the statute permitting appeals. The colonial government at the end of 1775 was completely in the control of the war party, which was still operating under the Charter granted by King Charles II in 1663, and still concluding the session records of the General Assembly with "God save the King." The prayer was earnest, and not subject to interpretation with the suggestions that the King needed saving from what America was preparing for him or that the King needed saving from the stupidity of his ministers. From the point of view of America the Revolution was still a war of resistance against a ministry that had usurped powers not granted to it by the British constitution, and the British army and navy operating in America against the colonies were the army and navy of the ministers and Parliament, and thus properly designated as "ministerial forces."

The year 1775 ended in Rhode Island with a drive to collect blankets for soldiers in Washington's army, and a military movement on the island of Rhode Island led by Major General Charles Lee. Of the need of blankets Washington wrote to Governor Cooke on December 23, "Notwithstanding the great pains taken by the Quartermaster General to procure blankets for the army, he finds it impossible to procure a number sufficient. He has tried the different places to the southward without success, as what there were are engaged to supply the troops in each place. Our soldiers are in great distress; and I know of no other way to remedy the evil than applying to you. Cannot some be got from the different towns? Most houses could spare one; some of them, many." Governor Cooke forwarded 180 blankets on January 1, which had been obtained in Providence, writing, "I employed two persons to apply to the housekeepers in this town individually for the blankets for the army. They have collected about 180, which will be sent forward this day. It is full as large a number as I expected to procure, considering how we have been exhausted by supplies to various parts of the service. I shall immediately take measures for collecting more from the country towns."

The advance into Newport followed a request by Governor Cooke that Washington assign a regiment of the Continental army to the defence of Rhode Island, following a movement of transports and other war vessels from Boston. Washington advised Governor Cooke of the British activity, and urged removal of all cattle from Block Island, because Washington had been informed "that the ministerial army is in very great distress for want of fresh pro-

\*This issue of notes carried no interest.

visions, and having received intelligence that there are 200 fat cattle on Block Island, and some transport vessels cruising that way in quest of necessaries for the army," etc., Governor Cooke's request for a regiment could not be granted; instead General Lee was sent to Rhode Island. He marched into Newport at the head of 800 men, including the regiment on the island and other troops from Providence, and administered a test oath to all suspected of Toryism, except Colonel Wanton and two custom house officers, who refused to subscribe it; the latter were sent to Providence for confinement with other Tories. The oath follows:

I ——, here, in the presence of Almighty God, as I hope for ease, honor and comfort in this world, and happiness in the world to come, most earnestly, devoutly and religiously swear neither directly nor indirectly to assist the wicked instruments of ministerial tyranny and villainy commonly called the King's troops and navy, by furnishing them with provisions or refreshments of any kind, unless authorized by the Continental Congress, or the Legislature as at present established in this particular colony of Rhode Island. I do also swear by the same tremendous and Almighty God that I will neither directly nor indirectly convey any intelligence nor give any advice to the aforesaid enemies so described, and that I pledge myself, if I should, by any accident, get the knowledge of such treason, to inform immediately the committee of safety. And, as it is justly allowed, that when the sacred rights and liberties of a nation are invaded, neutrality is not less base and criminal than open and avowed hostility, I do further swear and pledge myself, as I hope for eternal salvation, that I will, whenever called upon by the voice of the Continental Congress, or that of the Legislature of this particular colony, under their authority, take arms and subject myself to military discipline, in defence of the common rights and liberties of America. So help me God.

And thus, having suppressed the Tories of Rhode Island, General Lee departed for headquarters near Cambridge. The medley of irreverence, under the cloak of religion, in the oath prescribed by General Lee is surpassed only by the English test oath of the period and the oath taken by the members of the "Gaspee" Commission. One may contrast with it the simple declaration or test offered to "suspected persons in the colony relative to the war with Great Britain," prescribed by the General Assembly in 1776, as follows: "I, the subscriber, do solemnly and sincerely declare that I believe the war, resistance and opposition in which the United Colonies are now engaged against the fleets and armies of Great Britain is on the part of the colonies just and necessary; and that I will not, directly or indirectly, afford assistance of any sort or kind whatever to the said fleet and armies during the continuance of the present war; but that I will heartily assist in the defence of the United Colonies." If an oath similar to that drawn by General Lee had been tendered to *good* Rhode Islanders, instead of Tories, they would unanimously have refused to subscribe it, in accordance with their time-honored reverence for religious liberty and liberty of conscience. The situation in Rhode Island in midwinter of 1775 was far too serious to permit relaxation for the laugh that well might follow the joust of Lee, as an eighteenth century Don Quixote, with the windmills on the Island of Rhode Island.

THE EFFECTS OF WAR ON RHODE ISLAND LIFE—The condition of the colony of Rhode Island at the end of the year 1775 was described thus in an address to Congress by the General Assembly:

This colony is scarcely anything but a line of seacoast. . . . In the colony are also included the following islands . . . . all which are cultivated and fertile and contributed largely to the public expenses; the greater part of the . . . . shores are accessible to ships of war. . . . The town of Newport . . . . was the principal place of trade and paid above one-sixth part of the public taxes; a very considerable commerce was also carried on from Providence; and several small towns in the colony were also concerned in trade and navigation; shipbuilding was a great branch of business. In short, the inhabitants of this colony derived their subsistence almost wholly from commerce. The convenient situation of this colony for receiving supplies from the other colonies for the Continental army, near Boston, we suppose was a principal reason why so great a number of the King's ships have been stationed in our bay; we having had,

for above seven months past, two ships of twenty guns, one of sixteen, a bomb ketch, and about eight tenders, who having made prizes of more vessels belonging to this colony than have been lost by any other, have put almost a total end to commerce; have committed repeated depredations in different parts of the colony; have kept our coasts constantly alarmed, and obliged the inhabitants to keep almost continually under arms. The once flourishing town of Newport, by the loss of trade, and consequent cessation of all business, instead of being able to contribute to the expenses of the war, hath been reduced to so deplorable a state that we have been obliged to grant money out of the general treasury for the support of their poor; and many of the wealthy inhabitants have not only left the town, but the colony. Conanicut and Prudence, lately the scenes of the most wanton and savage desolation and barbarity, deserted; New Shoreham, from its situation is rendered worse than useless to the colony; and the other islands will no longer be of service to any but the enemy.

The address then summarized Rhode Island's contributions of man power to the Continental army and navy, and continued:

Besides these extraordinary exertions, we were alarmed in October with the arrival of fresh transports from Boston, destined to procure fresh provisions for the ministerial army. To prevent their obtaining supplies was an object of such great importance as obliged us to send a number of minutemen upon the several islands to defend the stock, which created a most enormous expense. When the Assembly met in November a regiment of 500 men was ordered to be raised for the defence of Rhode Island and the other islands; notwithstanding which, we have been obliged repeatedly to call forth our minutemen; to prevent the great charge of which, we have augmented the regiment ordered to be raised in November to 750 men, exclusive of a company of artillery, consisting of 105 men, with their officers; and have also voted another regiment of 750 men, to be immediately raised and equipped; besides 238 artillery men, for the managing of thirty-four field pieces, ordered to be procured and placed in the several towns upon the seacoast. We have ordered sixty cannon, eighteen and twelve pounders, to be cast; and have already sent a vessel, with a very valuable cargo, to purchase powder and other warlike stores; and are fitting out another, which will soon sail.

The address requested assistance from Congress in defending Rhode Island to forfend "the damages that would be sustained by the enemy's possessing themselves thereof, its harbors and the adjoining Narragansett Bay being greatly superior to any other in America; and its convenient situation with respect to the sea and the other colonies making it still more important."

**BATTLE OF PRUDENCE ISLAND**—Wallace continued early in 1776 his practice of raiding the islands in and the shores of Narragansett Bay. From a fleet of a dozen vessels he landed 250 men on Prudence Island on January 12. The minutemen stationed on the island retired before superior numbers, and the British seized 100 sheep and burned seven houses. The battle of Prudence Island was fought the following day. The minutemen, who had been reinforced from Bristol and Warren, advanced against the enemy and drove the raiders to their boats, with a loss of fourteen killed and many wounded. The Americans lost four wounded and one captured. The British fleet hovered in the vicinity for two days longer; on the night of January 14 houses on Patience Island were burned, and on January 15 wood was cut and carried away from Hope Island. One month later, on February 15, Wallace returned to Prudence Island and burned houses and a windmill. In the interval Point Judith had been raided, on February 4, for sheep and cattle.

**FORTIFYING RHODE ISLAND**—The return of Admiral Hopkins from his cruise to the Bahamas,\* and the British evacuation of Boston so changed the situation that Wallace withdrew from Narragansett Bay in April. Hopkins captured the "Hawke," schooner, six guns, Captain Wallace, son of Commodore Wallace; and also the "Bolton," bomb brig, eight guns. The "Glasgow," frigate, twenty-four guns, escaped by flight, leaving her tender as a prize

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for Admiral Hopkins. Commodore Wallace had put to sea immediately on the arrival of the "Glasgow" at Newport, with the purpose of meeting Admiral Hopkins, but the latter had entered New London harbor. While Wallace was absent an American battery was placed on Brenton's Point, and drove the "Glasgow" to another anchorage. Two other British war vessels, which had entered Newport harbor with prizes, were attacked by the Rhode Island row galleys and a shore battery on April 11. The warships left the prizes and retired beyond Jamestown. Another battery, located at Jamestown, drove them out of the harbor on April 14. Thereafter, until December, Narragansett Bay was clear of British. Three of the twelve sessions of the General Assembly in 1776 were held at Newport, in June, July and August.

The work of fortifying Rhode Island, begun in and about Providence in 1775, went steadily forward in the following year. The General Assembly at the January session, 1776, appointed a special committee "to take into consideration the state of this colony, and the measures necessary for the defence thereof," and to "consider in what places it will be best to station the troops now in the service of the colony." The committee reported in March, and its recommendations, with a few changes ordered by the General Assembly, located troops at Point Judith, Boston Neck, South Ferry, Wickford, Pojack Point, Potowomut Neck, Warwick Neck, Pawtuxet, Barrington, Bristol, Bristol Ferry, Tiverton, Little Compton, Jamestown, and on the island of Rhode Island. The committee also advised "that Bristol Ferry be fortified by erecting such works as the commanding officer shall think proper, upon those places upon the Rhode Island side and on that place upon the Bristol side advised to by Colonel Putnam. And we refer the commanding officer to his honor the Deputy Governor, who was with Colonel Putnam when he viewed the ground, for the particular spots of ground; and we further advise the same to be executed as soon as may be, and in the best manner he is able, with the forces that he can spare for that service. We do also recommend to the said commanding officer to erect a battery or fort on Tonomy Hill on Rhode Island as soon as may be, according to his best skill and judgment." Most of the places mentioned as locations for troops were fortified in some way, if no more than by digging trenches and throwing up breastworks. The fortifications at Bristol, ordered by the town meeting, "were composed of a wall five feet high built of turf and stones, filled up on the inside with loose earth and small stones." The location was along the shore. Newport had already, by the judicious placing of batteries to command anchoring places, made the harbor so uncomfortable for British war vessels that the latter were constrained to withdraw.

With the departure of Wallace and his fleet some of the old spirit of defiance that had been characteristic of Newport in the days of dashing John Wanton was revived, and Newport began the work of fortification in earnest. A fort was erected in April on Brenton's Point on the site now occupied by Fort Adams, thus commanding the entrance from the south to the closed harbor. Later in 1776 a fort was built on the Dumplings, near Beaver Tail, at the south end of Conanicut, to command the open roads between Conanicut and Newport, from which warships would have no difficulty in throwing shells into Newport. The north end of the closed harbor was fortified by the North Battery, later the site of Fort Greene. On the high ground north of the town a fort was placed on Tonomy Hill. To the east, along the Seacownet River, forts on the highlands of Tiverton and Little Compton guarded the ferries and the approaches by way of the river. The works at Bristol Ferry defended the north end of the island of Rhode Island. Fort Liberty, formerly Fort George, and afterward Fort Washington, on Goat Island, which had been stripped of cannon in 1774, was armed again with heavy guns, eighteen and twenty-four pounders. Massachusetts aided in the fortification of Bristol Ferry, because of interest in the protection of the entrance to Mount Hope Bay and the Taunton River, and coöperation in fortifying Howland's Ferry was requested by Rhode Island. Colonel Knox, afterward General Knox, visited Rhode Island while en route

from Boston to New York, and was persuaded to remain long enough to go to Newport, view the fortifications and make suggestions. Governor Cooke, in a letter to Washington, mentioned Knox's service thus: "I prevailed upon Colonel Knox, who passed through (Providence) on his way to Norwich, to take a view of Newport, and to direct such works to be thrown up as he should think necessary for the defence of the place. He is clearly of opinion that the town of Newport may be secured; and hath left some directions, which I have ordered to be carried into execution. They have begun the works, and I believe will this day complete a battery which commands the north entrance of the harbor. Tomorrow they begin the fortifications on Fort Island; and if it be in our power to complete the works, I have no doubt it will put a total end to Toryism in this colony. As Colonel Knox's stay was very short, his plans are not particular nor exact. It is were possible for your excellency to spare from your army some person acquainted with fortifications, to assist, were it only for a few days, you would do us a particular favor, and a most essential service to the common defence." To this letter Washington answered: "I am very glad that Colonel Knox has taken a view of Newport, and hope the directions he has left will be attended with all the good consequences you mention. We have no engineer that can possibly be spared . . . . indeed, we are very deficient in that department." The colony records indicate the probability that there were other forts in Rhode Island in 1776, including one at East Greenwich mounting nine cannon. The General Assembly ordered the enlistment of artillery companies of fourteen men each, at Providence, Warwick, Cranston, East Greenwich, North Kingstown, South Kingstown, Jamestown, Charlestown, Westerly, Warren, Bristol, Barrington, Portsmouth, Little Compton, Tiverton, Newport and Middletown, and cannon for each town and company, except East Greenwich, Providence, North Kingstown and Newport, which already had been supplied.

Except those removed from Fort George in 1774 the cannon available for defence of Rhode Island in 1775 were mostly ship cannon from privateers of colonial wars, and the armament of the old colony sloop of war, the "Tartar." In this respect the situation in Rhode Island was similar to that elsewhere. The siege of Boston became an effective military movement only when the guns seized at Ticonderoga and Crown Point were carried overland on sleds and mounted on Dorchester Heights. In Rhode Island cannon and shot owned by individuals were purchased, including twenty-three or twenty-four nine-pound cannon "found" by John Brown and company. Admiral Hopkins, on return from the Bahamas, landed twenty-six cannon and a store of round shot at Newport, whereupon "the inhabitants, elated with having this means of defence, assembled in a full town meeting and unanimously voted to work upon the necessary fortifications, and to defend the town; and immediately entered upon it with vigor."

The men who were most active in directing the Revolution as a practical military movement and who understood thoroughly that a successful Revolution is a matter not so much of resolutions and cheers as of guns and ammunition in the hands of well-disciplined soldiers, had anticipated the situation of 1776 by making preparations for casting cannon in the iron works, the most important of these as contributors to the supply of revolutionary cannon being the Furnace Hope, erected in the interval between the French and Indian and the Revolutionary wars. The owners of this foundry contracted to make sixty cannon for the colony of Rhode Island. In January, 1776, the owners, Nicholas Brown and company, offered to make heavy cannon at £35 per ton, warranted good, provided the colony would agree to take the cannon whether the war should continue or not; the General Assembly voted to buy thirty eighteen-pound and thirty twelve-pound cannon "provided they are ready for use by May 10 next." In February the contractors requested a modification of the contract, because they had learned from "Muller's Treatise on Artillery" that "lighter cannon made upon the new construction are much better than the old heavy pieces," and that members of the Assembly's

committee preferred "the lighter pieces." The General Assembly approved the modification. Four eighteen-pound cannon had been completed when Admiral Hopkins arrived at Newport; these, with twenty taken from Fort George and the twenty-six brought by the Admiral brought the number of heavy pieces in Rhode Island to fifty. When the owners of Furnace Hope were offered a contract to make cannon for the new Continental navy ordered by Congress, Rhode Island waived its contractual priority while ship cannon were cast. Congress ordered twenty of the cannon taken to Newport by Admiral Hopkins sent to Philadelphia, and the General Assembly protested, on May 20, that the removal of these cannon would involve the loss of Newport. John Collins was sent to Philadelphia to present the protest and to urge Congress to revoke the order of removal. The cannon remained in Rhode Island. In July, 1776, a committee reported to the General Assembly the distribution of twenty-seven cannon delivered by Furnace Hope as follows: Jamestown, three twelve-pounders, on field carriages; South Kingstown, two eighteen-pounders and two nine-pounders on field carriages; Warwick Neck, two eighteen-pounders; Field's Point, three nine-pounders; Kettle Point, two nine-pounders; Warren, two nine-pounders; Bristol, two nine-pounders; Bristol Ferry, five nine-pounders, one on the main and four on the island; Howland's Ferry, four nine-pounders, on the main. Other cannon in the state were: Newport County, fifty-five; Providence County, twenty-five; Bristol County, fifteen; Kent County, seventeen. For King's County there was no report; otherwise, in four counties, there were 139 cannon in Rhode Island. Later in the year cannon were removed from Jamestown and Newport; the armament on the forts at Newport were reduced to thirteen guns, of which three were at Brenton's Point, and five each at Fort Liberty and the North Battery. Of the heavier cannon removed from the islands three each were mounted at Bristol Ferry and at Howland's Ferry, and the remainder were placed in the battery on Fox Point in Providence.

**ARMS AND AMMUNITION WANTED**—The arming of the brigade sent to Boston in 1775 had practically exhausted the available supply of muskets. Governor Cooke, in a letter to Washington on January 25, 1776, described the colony as "in a manner disarmed," because the inhabitants "thought themselves in a perfect state of security, and entirely neglected military discipline, and disposed of their arms." On March 5, in a letter to Stephen Hopkins and Samuel Ward, Rhode Island's delegates in the Continental Congress, Governor Cooke wrote: "We meet with great difficulty in procuring arms for the brigade. Numbers of men are waiting only for that article to proceed to Rhode Island. . . . Please to let me know whether 1500 can be procured in Philadelphia, and at what price; or whether they will be supplied by Congress. We have but very little more than ten tons of powder in the colony. The Assembly have appointed a committee to purchase arms and ammunition in case any shall arrive." Committees were authorized to purchase muskets, powder, lead and flints, if and when available, and in March the Assembly ordered the purchase of "2000 stand of good firearms, with bayonets, iron ramrods and cartouch boxes . . . for the use of the colony, which shall be stamped with the colony's arms and the letters 'C. R.', and distributed to each town in proportion to the number of polls." The difficulty of providing muskets continued, in spite of the manufacturing enterprises undertaken. Two hundred spears for the batteries in Newport were purchased in June. The Jenks musket was still so much a novelty that one was purchased from the inventor as a special gift to an Oneida Indian chief who visited Providence.

Bounties on saltpetre and powder were offered to encourage the manufacture of both, and towns were ordered to make saltpetre if no citizen undertook production. John Jenks was authorized to send a vessel to Surinam to procure ammunition and warlike stores; later another vessel was sent to Hispaniola or other West Indian destination. Eventually the col-

ony itself undertook the manufacture of powder; John Jenks and John Waterman were appointed a committee "to erect a powder mill in Providence county at the charge of the colony," and to buy a site for it; later John Waterman was directed to "agree with some suitable person, upon the best terms he can, to work in the powder mill belonging to the colony." The brick schoolhouse on Meeting Street in Providence, owned partly by the town and partly by an incorporated school society, was used as a laboratory for making explosives from December, 1776, to the end of the war; Whipple Hall, another schoolhouse, on Benefit Street in Providence, was used similarly for four years from February, 1777.

Even before France recognized American independence and became America's ally in the war against England, arms and ammunition reached America from French sources. Besides the purchases made by Silas Deane under the pseudonym "Timothy Jones," French agents were active in America. Two, who gave their names as Messrs. Prenet and De Pliance, arrived in Rhode Island in December, 1775, from Cape Francois with Captain Rhodes, who had been sent out from Rhode Island to procure powder. Governor Cooke referred the French gentlemen to Washington as "well recommended to our committee for providing powder from a merchant of character at the Cape." One had "proposals to make for supplying the United Colonies with arms and warlike stores. I am informed," wrote Governor Cooke, "that the other gentleman is a person of some consequence." Washington, wanting authority to make a contract, "prevailed upon the agents to go to Philadelphia and recommended them and a consideration of their plan" to Congress. As in all other wars, there were frauds and profiteers at work during the Revolution; in October, 1776, provision was made for inspection of gunpowder, and for marking powder passing inspection with the letters "U. S. A." on the cask.

The removal of cattle, sheep, hay, corn, potatoes and other vegetables crops from the islands was a military measure, intended to prevent British recourse to Narragansett Bay as a basis of supplies for the commissary. Food forwarded to the Continental army scarcely absorbed the surplus, which in earlier years had been shipped to the West Indies. There was plenty of plain food, and there was no suffering from hunger in Rhode Island in 1776, although some of the luxuries of the colonial period were missing from the tables of even the wealthy. Salt became scarce early in 1776, and the General Assembly resorted to urgent measures to procure and distribute salt, which was needed, not only for table use as a condiment, but also for packing provisions, and for use in tanneries and otherwise in manufacturing processes. In January the General Assembly ordered the importation of 30,000 bushels of salt and named a committee for each of the counties to charter suitable vessels, and send money and provisions to purchase the salt. Some of the vessels and cargoes were lost; in June an inventory of salt in the colony was ordered. It appeared that less than 8000 bushels had been landed, and that two vessels had been lost. In May the colony offered a bounty to encourage the manufacture of salt in the colony.

There had been little development of the manufacture of cloth in America in the colonial period, and non-importation agreements in operation previous to the opening of hostilities tended to reduce available supplies of cloth for clothing. Rhode Island had achieved distinction early in the war because of the fine appearance of the colony troops at Boston. Later it was not easy to obtain cloth or other textiles, which was demonstrated in Governor Cooke's effort to obtain blankets for Washington in 1775. Early in 1776 Governor Cooke had collected 100 blankets additional to those already sent to Washington, but the later supply was issued to the troops sent to defend Prudence Island. When, in September, 1776, Colonel Lippitt's regiment was ordered to Long Island, Lieutenant Colonel Comstock complained to Governor Cooke that "there are many men in said regiment that are very bare of clothes,

having neither shoes nor stockings to wear, and I find much grumbling among them on the occasion." Comstock recommended that men "that are now well clothed and shod and fit for said march" be selected from the two regiments and sent forward.

**WARTIME MORALE**—Though the people were called upon to make sacrifices and to render service in the common cause, there was little grumbling in Rhode Island. With the exception of a riot in West Greenwich in 1775, in opposition to drafting minutemen, there was no disorder. General West, who commanded the Brigade on Rhode Island after Esek Hopkins had resigned to become commander-in-chief of the navy, interpreted a town meeting in Newport, which requested him to keep his troops out of the town, as fomented by Tories. While the interpretation was tenable, the General Assembly, though sustaining General West's zeal by resolution, released those whom he had arrested. Newport was in an embarrassing situation, threatened as it was actually by both British and Americans. Entrance of the latter might precipitate the burning of the town by shell fire from the British fleet; Wallace continued to threaten the town, thus to persuade the people to furnish beef and beer. Newport suffered more than any other part of the colony by reason of the British interference with commerce in the early period of the Revolution, and later because of British occupation. Block Island, because of its isolated and exposed location, presented another problem. The island was practically stripped of cattle and sheep, and later of arms and warlike stores that might be taken by the British. In 1776, because of suspicion that some on the island were in communication with the enemy and using the normal trade with the mainland in fish and other commodities as a cover for an illicit supplying of British vessels, Block Island was restricted strictly to trade with Newport, and the exchange there of fish for necessary supplies limited in quantity; subsequently, because of complaint of hardship, a restricted trade with grain mills in Pawcatuck was permitted. Eventually Block Island became "No Man's Land," a convenient meeting place under flags of truce, and for the exchange of prisoners. Drastic legislation forbidding communication with the enemy was enacted, and a test oath was prescribed; both measures applied to the entire colony. The test oath was a pledge of allegiance to the Revolutionary government.

**WARSHIPS AND PRIVATEERS**—Two frigates for the new American navy, the "Providence," twenty-eight guns, and the "Warren," thirty-two guns, were built at Providence and launched in May, 1776. John B. Hopkins, son of the Admiral and nephew of Stephen Hopkins, commanded the "Warren." Samuel Tompkins was appointed as Captain of the "Providence," but was replaced later by Abraham Whipple. In March, 1776, the General Assembly authorized the issuing of letters of marque to privateers. Congress also authorized privateering. A court of admiralty, to serve principally as a prize court, was established in 1776. James Honeyman, who was advocate general of the court of vice admiralty under the crown of Great Britain, offered to deliver up his commission "if his holding the said office be disagreeable to the colony"; the General Assembly resolved that it was "disagreeable" and sent the sheriff to receive the commission. While the entrances to Narragansett Bay remained open, many valuable prizes were brought in. Privateering became as profitable as it had been in colonial days against the French and Spanish; in many instances the cargoes of prizes were almost priceless because they included commodities much wanted, supplies of which had been reduced because of interference with commerce. Eventually privateering was recognized as involving disadvantages as well as advantages. Writing to Governor Cooke, in November, Lee declared: "The officers . . . are of opinion that nothing impedes the recruiting of the army so much as the present rage for privateering; that unless this is in some measure checked, it is vain to expect any success." The General Assembly, at the November session, instructed its committee for conference with committees from other New England states "to desire those commit-

tees to agitate in their respective legislatures the necessity of laying an embargo throughout the said states until the forces proportioned to the said states are raised, and the Continental ships within the same are manned.” The fleet commanded by Esek Hopkins never went to sea as a squadron after his success in the Bahamas, principally because Hopkins was unable to enlist sailors; the alluring offers of prize money by privateering captains were far more attractive than any that could be made by Hopkins, and, besides that, it was reported to the General Assembly that “great uneasiness hath arisen amongst the men belonging to the navy on account of the wages not having been paid, nor the prize money distributed, which has not only produced a great disaffection to the service, and now prevents many from entering therein, but has also been represented much to the disadvantage of this state, and proved injurious to that character it has ever supported in the defence of American Liberty.” The Assembly had been asked to give assistance to forward the manning and sailing of vessels of the Continental fleet and navy lying in Narragansett Bay, and it requested an explanation from Hopkins. The committee of safety, in view of the threatened movement of British troops to Rhode Island, early in December, advised Hopkins “with the Continental vessels under his command, within any of the harbors of this state, to put to sea as soon as he thinks the same can be done with safety.” Hopkins answered that he had “long had orders from the honorable marine committee to get all the vessels out” as soon as he could man them, and asked the committee of safety to “devise some way to compel their men to enlist, and likewise some way that the great number of deserters may be sent on board, a considerable number of whom are now in this state.” Governor Cooke, replying, urged payment of wages and prize money as soon as possible as a “great inducement for other men to engage in the service,” and suggested that “if you have not a full complement of men to attack ships of any considerable force, we think it advisable, if you have a sufficient number to navigate the ships with safety round into Boston Bay, to join the Continental ships there, that you immediately proceed.” Hopkins rejoined that he was not “agent or paymaster”; and not responsible, therefore, for delay in paying wages and prize money; that his orders did not admit of his going to Boston; and that he saw no advantage in going there, since “if one of the ships there had been manned, she would have sailed before now.” The remnant of the old fleet, and the new frigates remained in Providence harbor for the time being; their escape subsequently, on important missions, was as brilliant by contrast as their inactivity was disheartening in December, 1776, when a British fleet bottled the entrances to and exits from Narragansett Bay.

**THE GENERAL ASSEMBLY DECLares INDEPENDENCE**—Twelve sessions of the General Assembly were held in 1776, one in every month except April, and two in December. The meetings of January, May and September were at Providence; those of February, March and November at East Greenwich; those of June, July and August at Newport. In October the new colony house and courthouse, still standing, though no longer used for either purpose, near the entrance to Rhode Island State College, on Little Rest Hill in South Kingstown, was used for the first time by the General Assembly; it had been completed within the year. The General Assembly met in urgent special session in East Greenwich on December 10, and adjourned, for want of a quorum, to meet in Providence. The second December session met in Providence on the twenty-third. Throughout the year, the business was momentous, involving the raising of soldiers, fortifying the shores of the bay, obtaining arms and ammunition for troops and conducting the public affairs of the people under the stress of wartime conditions, with the colony and state in imminent danger of invasion. War had already affected the economic life of the colony so much that many freemen had been compelled by want, as well as by force of arms, to remove from their customary habitations; for these permission to return “home” to vote was granted, in spite of their tentative non-residence. Samuel Ward, delegate to Congress, died of smallpox at Philadelphia on March 26, and was replaced by William Ellery.

For the second time in the history of the colony, the election meeting in May, 1776, convened at Providence, Wednesday, May 1, pursuant to a resolution passed in March. On Saturday, May 4, the General Assembly adopted Rhode Island's own Declaration of Independence,\* two months before Congress acted for the United States. Two days later in England the King constituted Admiral Howe and General Howe as "commissioners for restoring peace to his colonies, and for granting pardons to such of his subjects therein as shall be duly solicitous to benefit by that effect of his gracious indulgence." Admiral Howe, with a fleet, arrived off the coast of America in June. With a letter addressed on June 20 "to the Honorable Governor Wanton . . . or other magistrate of the colony," Admiral Howe enclosed a proclamation offering pardon to "all those who in the tumult and disorder of the times may have deviated from their just allegiance, and who are willing, by a speedy return to their duty, to reap the benefits of the royal favor"; and offering also to declare "in his majesty's name, any colony, province, county, town, port, district or place to be at peace with his majesty." The proclamation did not promise any alleviation of the practices or any abandonment of the policies that had been offensive to the colonists; it was construed in America as intended to divide the colonies and colonists, separating radical and conservative, and withdrawing the latter from support of the Revolution. The proclamation arrived too late to affect Rhode Island's stand for independence; on June 16 the Governor, Deputy Governor and other general officers and seventy-two members of the General Assembly had clinched the Declaration of May 4 by signing an agreement to continue steadfast in the cause of the United Colonies throughout the war. The Governor, on July 21, by direction of the General Assembly, answered Admiral Howe: "I am favored with your lordship's letter of June 20 last, enclosing your declaration. I have communicated them to the General Assembly of this state, now sitting here; and at their request, inform your lordship that they will transmit copies of them to the most honorable the general Congress of the United States of America, to whom every application respecting the disputes between the said states and Great Britain ought to be addressed, and must be referred."

Congress had already adopted the American Declaration of Independence on July 4, and the Rhode Island General Assembly, on July 18, "taking into the most serious consideration the resolutions of the most honorable and Continental Congress of the United States of America of the fourth instant declaring the said states free and independent states, do approve the said resolution, and do most solemnly engage that we will support the said general Congress with our lives and fortunes." It was also voted that the Declaration of Independence and the General Assembly's resolution of approval "be published by the Secretary tomorrow in Newport at twelve o'clock in the presence of both houses of the General Assembly; that thirteen cannon be discharged at Fort Liberty upon reading the said proclamation, and that the brigade be drawn up on the Parade, in thirteen divisions, and immediately after the discharge of the cannon, make a discharge of musketry, each division firing one volley in succession." The Declaration was read at Newport, in the presence of the Assembly, the Brigade and a vast concourse of people, by Ensign John Handy, Adjutant of Richmond's regiment, on July 19. The General Assembly ordered that the Declaration of Independence and the Assembly's resolution be published at Providence on July 25 "at twelve o'clock in such manner as his honor the Governor shall think fit, and that thirteen cannon be discharged on the occasion," and also that both be read in the town meetings to be held in August. The Declaration was also incorporated in the public records of the state of Rhode Island by vote of the General Assembly at the March session, 1777. In Providence on July 25, 1776, "the Governor and such members of the Assembly as were in town were escorted by the Cadet and Light Infantry Companies to the courthouse, where the act of the Assembly and the Declaration by Congress were publicly read," by George Brown, an Englishman, "who was selected to per-

\*See Chapter XI.

form the service on account of the compass of his voice. He was then upwards of eighty years old, yet so firm and clear was his utterance that," reading from the west portico, "he was distinctly heard by the crowd on North Main Street." "A salute of thirteen guns from the artillery and the continental ships in the harbor followed. A public dinner was provided, and spirited and appropriate toasts given. In the evening the King's arms were taken down from the public offices and burned. The keeper of the Crown Coffee House contributed his sign to the same fire." On the same day that it "approved" the Declaration of Independence the General Assembly changed "the style and title of this government" to "the State of Rhode Island and Providence Plantations." It also passed an "act to punish persons who shall acknowledge the King of Great Britain to be their sovereign," defining the offence thus: "If any person within this state shall, under pretence of preaching or praying, or in any other way and manner, whatever, acknowledge or declare the said King to be our rightful lord and sovereign, or shall pray for the success of his arms, or that he may vanquish or overcome all his enemies, he shall be deemed guilty of a high misdemeanor." Persons who refused to subscribe the engagement of loyalty to Rhode Island and the United States were excluded from remedy in courts of justice or by petition to the General Assembly, from voting in elections, and from membership in the General Assembly or other public offices. No person was permitted to act as counsellor or attorney in any court of record in Rhode Island without subscribing to the pledge. A few Tories had been arrested earlier; measures were taken in 1776 to remove openly disaffected persons from their homes and neighborhoods to other parts of the state, in which they lived under surveillance and the threat of imprisonment for going out of bounds or for pernicious activity. The record of the Assembly session of May, 1776, concluded without the time-honored "God Save the King"; the June conclusion, "God Save the United Colonies," yielded in July to "God Save the United States," and in September to "God Save the United States of America."

Beginning in 1775 the General Assembly at each session had authorized the Governor and Deputy Governor, Assistants and a committee of Deputies to act for it in emergencies between sessions. On December 11, 1776, the day following the failure of a quorum to assemble at East Greenwich in urgent special session called because of the British occupation of Newport, Governor Cooke wrote to the Deputy Governor and members of the Assembly residing in Bristol County, requesting them to go to Providence, to which an adjournment had been taken, in order to make the necessary quorum. Thereupon, because of the difficulty of obtaining representation in the General Assembly from Newport County, the quorums in the General Assembly were reduced, in the upper chamber to five members, including the Governor and Deputy Governor and three Assistants, or the Governor or the Deputy Governor and four Assistants; and in the House to twenty-one Deputies. A council of war, including Governor Cooke, Deputy Governor Bradford, Stephen Hopkins, Ambrose Page, John Tanner, John Dexter, Joshua Babcock, Cromel Child, William Greene and Henry Ward, was appointed with plenary powers "to do, act and transact all and everything and matter for the well-being and security of this state, and the United States in general," and "to make and ordain all such rules, orders and regulations for the well-governing, ordering, disciplining, clothing and supplying the army, now raised or that may be raised by this state, and the other neighboring states in conjunction (if an army should be so raised), as to them shall seem right and just." Connecticut, New Hampshire and Massachusetts were invited to appoint committees to meet with the Rhode Island council of war in Providence on December 23, or as much sooner as possible to confer upon the expediency of raising an army.

**PAPER MONEY**—To meet extraordinary expenses Rhode Island had recourse in 1775 to issuing money bills to the amount of £60,000, of which £40,000 carried interest. Resolving, in January, 1776, that "whereas the honorable the Continental Congress and the several provincial assemblies and conventions, considering the distressed situation of the colonies, engaged

in a war with a powerful nation, for the defence of their lives, liberties, properties and everything dear to mankind; and relying upon the manly spirit and zeal of the colonists, have made divers emissions of bills of credit without allowing any interest thereon; and, whereas the burdens and hardships of this colony are so great," etc., the General Assembly recalled the £40,000 of bills carrying interest, and issued £40,000 of bills without interest. That there was little coin money in the colony in patriot hands was demonstrated early in 1776, when in compliance with a resolution of Congress urging collection of gold and silver to finance military operations in Canada, the General Assembly appointed a committee with instructions "to procure as much gold and silver coin as they can," offering paper money in exchange, and £1713 was collected. General Schuyler, writing from Fort George, May 23, acknowledged receipt, adding: "This sum, small as it is, will much alleviate the distress of our army, and will be sent into Canada this morning, by General Sullivan, who has already received it into his charge."

Congress, in January, reimbursed Rhode Island for war expenditures properly charged to the general government in the amount of \$120,000, equal to £36,000 at the prevailing rate of exchange, six shillings to the dollar; the payment was made in continental notes. The General Assembly authorized issues of £20,000 in notes in March, £10,000 in July if the Treasurer was unable to borrow the money, £2000 in September, and \$66,670, equivalent to £20,000 in October. In December, the Treasurer was authorized to borrow £30,000 at four per cent. on notes payable on demand; and later in the same month to borrow £40,000 at six per cent. on notes to be redeemed in two years from the proceeds of poll and property taxes, which the General Assembly pledged itself to order. Unless otherwise indicated, money bills were to be redeemed in six years. Bills and notes outstanding at the end of the year of 1776 reached a total of £152,000, equivalent to approximately half a million of Spanish milled dollars. In July both United States notes and Rhode Island notes were made legal tender for payments on all contracts, with provision made for tender of payment and, on refusal, payment into the treasury as a bar to court action. To offset a tendency to depreciation the General Assembly in July, resolving that "many evil-minded persons with a view to prejudice the cause of the United States of America, have made use of several methods to depreciate the continental currency, and other current moneys of the said state, to keep up the value of which is a matter of the greatest importance and essential to the safety of the United States, for preventing such evil practice in the future," forbade the exchange of paper currency of the United States or any of the New England states for gold and silver at a discount, and the offering of goods, wares or merchandise at a less price for gold or silver than for paper money. A penalty for counterfeiting continental notes was established in October.

A New England conference "respecting further emissions of paper currency on the credit of any of the said states; also upon measures necessary for supporting the credit of the public currency thereof, etc.," was called to meet at Providence in December. Out of this and the conference on military affairs requested by the Rhode Island General Assembly after the British occupation of Newport developed a series of conferences in December, in which the New England states evolved a joint policy on many matters of mutual interest. Inasmuch as the other states sent committees smaller in number than the Rhode Island council of war, three of that body, William Bradford, Stephen Hopkins and Henry Ward, were designated as the Rhode Island conference committee. To the conferences were referred "the expediency of raising and appointing an army for the immediate defence of the New England states against the threatened invasion, as well as for the more general defence in the common cause; and of such regulations as may be necessary to support the credit of our currencies, to prevent the oppressing the soldiers and inhabitants by extravagant prices and in general, of every measure to expedite the raising and appointing an army, or necessary for the common defence." Affecting the currency, the New England conference reported a scale of prices of

labor, goods, wares and merchandise not to be exceeded, which was approved and adopted by the General Assembly. The General Assembly, in addition, established maximum prices for labor and service, and for commodities not enumerated by the conference. The Rhode Island statute forbade sales or offers at prices higher than those listed, and imposed a penalty for refusing to sell at the prices established for currency issued by Congress or Rhode Island, if the same goods were subsequently exchanged or sold. The latter provision was not subject to the objection that, as a forced sale, it amounted to confiscation; it was limited to goods offered for sale or held for subsequent sale. The conference committees also recommended "that no further emissions of paper money bills be made, but that the several treasuries be supplied by taxes and by borrowing the necessary sums, to be repaid in three years, or sooner, from their dates, with an interest not exceeding five per cent. per annum; unless upon a critical emergency there may be an absolute necessity of an immediate supply, and the money cannot be procured upon loans; in which case it is recommended that bills be emitted, redeemable in three years or sooner with an interest of four per cent. per annum; and that the state emitting the same notify the other states of such emission; and also that the several states call in bills of credit at the expiration of the periods for which they were severally emitted, in the best manner they can devise, to give a reasonable and just satisfaction to the possessors of the bills." Rhode Island approved the recommendations, conforming as they did to the practice already inaugurated earlier in the month, and the General Assembly declared "that this state will, to the utmost of their power, make the same the rule of their conduct in future, in supplying the treasury of this state, and for supporting, in the most effectual manner, the credit of the paper bills." There is reason for believing that Stephen Hopkins, who was a member of the conference committee for Rhode Island and who had, in colonial days, been an advocate of a sound money currency, did much to formulate the fiscal policy recommended by the New England conference, and to secure its adoption by the conference, and by the General Assembly.

ADDITIONAL TROOPS RAISED—Colonel Richmond's regiment, 500 men, stationed on the Island of Rhode Island, was ordered recruited to 750 men and twelve companies in January, 1776. In the same month a second regiment of 750 men, to replace the minute men, was ordered, with Colonel Babcock in command. The two regiments, and an artillery division of 150 men, were organized as a brigade, commanded by General West. The latter resigned in February, and Colonel Babcock commanded the brigade as senior Colonel, until, in May, he was dismissed because of insanity. Christopher Lippitt was appointed as Colonel. The brigade was supplied with boats to facilitate operations in the waters about the island, and with spades, shovels and other trenching tools. Until the departure of Wallace and the British squadron the brigade remained out of Newport; thereafter part of the soldiers lived in barracks established in houses made vacant by the flight of the inhabitants. Camp diseases of the period were prevalent, including smallpox, and provision was made for a hospital. The General Assembly directed the Rhode Island Delegates in Congress to urge "as a matter of real importance to the safety of the army and the United States Colonies, that all common soldiers and seamen in the continental service, or who shall hereafter engage therein, be permitted to be inoculated at the expense of the United Colonies." This measure to prevent disease, resembling practices established in modern military service with reference to smallpox, typhoid fever and other contagious and infectious diseases, had it been adopted by Congress in 1776, would have alleviated one of the horrors of Valley Forge and would have saved many American soldiers, who lost their lives in camp needlessly.\* The recommendation to Congress followed the enactment in Rhode Island of a statute permitting and regulating the establishment of public hospitals for inoculation against smallpox.† The preamble to the statute

\* Soldiers in the new Continental battalions raised in Rhode Island in 1776 were inoculated.  
† Repealed, but reenacted, 1777. In 1778 inoculation was forbidden under penalty.

related the American army experience at Quebec, thus: "Whereas the smallpox both made the most dreadful ravages in the army lately before Quebec, which was the principal cause of raising the blockade of that city, and there is great danger that the inhabitants of the United Colonies may, by the prevalence of that dreadful distemper, be rendered incapable of defence at a time when their safety may depend upon their most vigorous exertions." The simpler preventive, vaccination, had not been introduced in America in 1776. Among other Rhode Islanders who were inoculated were Governor Cooke and his family.

The colony row galleys were ordered to New York in July and placed under the direction of Washington; and Governor Cooke was requested to send ship carpenters from Rhode Island to assist in building vessels for the defence of Lake Champlain, anticipating thus by almost forty years the expedition from Narragansett Bay to Lake Erie led by Oliver Hazard Perry in the second war with England. The British occupation of Staten Island as base for a movement believed to be aimed at New York suggested the need of protecting the inhabitants of Long Island, and of guarding the cattle there from capture by the British. The Rhode Island Brigade had been ordered, early in September, to join with Connecticut and Massachusetts troops in an expedition to Long Island, when news reached Rhode Island of the American reverse at Brooklyn and the retreat from Long Island. The brigade was recalled immediately; eventually the expedition to Long Island was abandoned, Washington advising thus, in view of the movements in and about New York. The brigade had been taken into continental service, and one regiment was ordered, on September 3, to proceed to New York to reinforce Washington's army there. Colonel Lippitt's regiment began to cross the ferries from Newport to the mainland on the morning of September 14, the movement continuing through that afternoon and the morning of the following day.<sup>‡</sup> The General Assembly's recess committee ordered another Rhode Island regiment recruited immediately to replace Colonel Lippitt's regiment, and Congress ordered Massachusetts to send a regiment of militia to Rhode Island. Colonel Richmond's regiment was called later as reinforcements for Washington's army, but the orders to march were revoked because of the near approach of the end of the period of enlistment. Congress, convinced of the error of short enlistments and the demoralization in the army occasioned by the departure of units whose terms of service had expired, had authorized the raising, for the period of the war, of an army of eighty-eight battalions, two of which were assigned to Rhode Island to raise, to replace Varnum's and Hitchcock's regiments. The term "battalion" was used instead of "regiment" for reasons connected with the exchange of prisoners. Soldiers for these battalions were enlisted "in the service of the United States of America and in the pay of the United States . . . for and during the present war with Great Britain, unless sooner discharged by the General Congress of the United States." The General Assembly, at the October session, chose officers for these battalions, recommending field officers and appointing company officers. A regiment for service in Rhode Island for three months, consisting of one-sixth of the militia, was ordered raised in November. Thus at the end of November, 1776, Rhode Island had three regiments in the Continental line, Varnum's, Hitchcock's and Lippitt's; and was recruiting two new battalions to replace them, those in the new continental army being enlisted for service through the war. The terms of enlistment of most of the soldiers in Colonel Richmond's regiment had expired; the remnant had been transferred for the time being to Colonel Cooke's regiment, which had been recruited in September. Besides, there was a second regiment, Colonel Sayles, in state service, drawn from the militia in November for three months' service.

**BRITISH OCCUPATION OF NEWPORT**—General Charles Lee, in November, warned Governor Cooke of the embarkation of a "considerable force" of British at Staten Island for a destination indicated as South Carolina. Lee considered it as "not impossible or improbable that they may have some designs against Rhode Island, either on a pillaging scheme, or per-

<sup>‡</sup>See Chapter XII for a tale of the march to New York.

haps with a view of establishing winter quarters for a part of the troops, as they find themselves straitened at New York." Governor Cooke immediately requested Connecticut and Massachusetts to send assistance, should an attack be made on Rhode Island. The blow fell on December 8, when 6000 to 8000 British and Hessians were landed at Newport and Middletown, from seventy transports. The naval escort, seven ships and four frigates, was seen off Block Island, December 2, and sailed up Long Island Sound to meet the transports. The Rhode Island regiments on the island, 700 men, withdrew to Tiverton and Bristol. Most of the cannon on the island had been removed earlier, and no shot was fired from the three forts guarding Newport as the British squadron sailed in. Perhaps it was as well; Rhode Island's brigade was outnumbered ten to one. For strategic purposes, if the British were content to remain in Newport, aside from the inconveniences and embarrassments involved in military occupation by a hostile force, there was compensation in the thought that 7000 British troops and a supporting squadron of war vessels lay idle at Newport, giving no aid to other British armies in the field. The encampment at Newport was only one of the inexplicable stupidities of a war that indicated little of military genius among the King's forces in America.

The British occupation of Newport aroused New England to a feeling of immediate danger from which it had been comparatively free for the nine months following the evacuation of Boston. New England did not realize then that Clinton, disgusted with the situation in America and soon to return to England, cared much less about capturing Providence and controlling the upper reaches of Narragansett Bay as a base for the conquest of New England than he did about finding winter quarters more comfortable than those afforded and promised in New York. The Rhode Island minute men, independent companies and militia responded to the general alarm on the arrival of the British, and Connecticut and Massachusetts acted promptly and generously. From the former three regiments and five companies of infantry and several squadrons of cavalry were sent to Rhode Island. Massachusetts dispatched Godfrey's and Cushing's brigades from Bristol and Plymouth Counties, and three regiments and a train of artillery from Worcester and Boston. The soldiers from the three states occupied positions along the shores of the bay, prepared to resist invasion of the mainland, but were not under a general command until the arrival of Major General Lincoln. The Rhode Island General Assembly met at East Greenwich on December 10, and adjourned to Providence. New Hampshire, Connecticut and Massachusetts were invited to send delegates to a New England council of war to meet in Providence. To relieve the militia in the field it was voted to recruit immediately a brigade of two regiments of 750 men each, and a company of artillery of 300 men. The brigade was enlisted "in the pay of the state of Rhode Island and Providence Plantations, for the preservation of the liberties of America and the defence of the United States in general and of this state in particular," to serve fifteen months, unless sooner dismissed. Officers chosen included James M. Varnum as Brigadier General, Monsieur Francois Lellorquis De Malmedy as chief engineer and director of the works of defence within this state with the rank of Brigadier General, John Cooke and Joseph Stanton, Jr., as Colonels of infantry, and Robert Elliott as Colonel of artillery. Colonel Cooke resigned and was replaced by Benjamin Tallman as Colonel. General Malmedy was a French professional soldier of fortune, who had been recommended by General Charles Lee; Jonathan Clarke was appointed as linguist to General Malmedy. The General Assembly also ordered that every man in Rhode Island capable of bearing arms should be drawn immediately in one of three divisions each of which was to relieve the others in turn in monthly periods of active service. Quakers were exempted from this draft, but in April, 1777, when the man power of the state was exhausted, Quakers were drawn with other residents, having the option of service or of hiring substitutes. General Varnum was released when appointed as Brigadier General in the Continental service in March, 1777. Brigadier General West of the militia and Brigadier General Malmedy were discharged, the latter with resolutions of thanks and a gift of £50,

when Washington sent Generals Arnold and Spencer to Rhode Island. The former was subsequently attached to the northern army and fought valorously in the Saratoga campaign; General Spencer remained in Rhode Island until relieved by General Sullivan in April, 1778.

Washington and Greene disapproved the raising of the fifteen months' regiments in Rhode Island for the reason that both believed that the raising of these troops for a particular state's defence would impede the raising of the two battalions ordered by Congress for service with the Continental army. Both the great commanders seemed to have penetrated Clinton's want of purpose in the movement in Rhode Island, and doubted that New England was actually in serious danger, while for strategic purposes on a large scale embracing all military movements in the United States, advantage lay with the continental forces while the British were content to isolate several thousand soldiers in Newport. Both Washington and Greene withdrew objections when it was explained that the brigade being raised in Rhode Island was enlisted for service in or out of the state, and that release for enlistment in the Continental line was encouraged. Meanwhile vigorous efforts were made to obtain recruits for the Continental battalions, and Rhode Island offered large bounties for enlistments. The state was beset with difficulties in maintaining an effective military organization. The New England council of war, meeting in Providence late in December, 1776, had agreed to recommend the maintenance of an effective, active New England army of 6000 men. Governor Cooke wrote to Washington on March 18, 1777: "We have already given every encouragement in our power to men to enlist with the continental battalions; and I am sorry to inform you that there are but 400 enlisted. Nor, in the present state of affairs, do I see any prospect of our being able to complete them. To oppose the enemy at Rhode Island the states of New England agreed to keep up an army of 6000 men; of which we were to furnish 1800. The other states having always fallen short of their quotas, from 1800 to 2500, we have been obliged to keep up between 2500 and 3000. At present the enemy consist of six Hessian and two British regiments, making near 4000 men; and we have not in the state but 551 effective men, besides our own troops. Your excellency is sensible that near a quarter of the state is in possession of the enemy. Besides those enlisted into the continental battalions, the brigade for fifteen months consists of about 500; and one-third of all the remaining fencible men are upon monthly duty by rotation. I need not add, that this situation creates insuperable difficulties. . . . Methods are taking by General Varnum to have the two Continental battalions raising by this state inoculated as early as possible. But I cannot think, while so large a body of the enemy are upon Rhode Island, and we left so defenceless, that your excellency will order them away."

Washington answered in April, announcing the arrival of arms at Philadelphia and Portsmouth in quantity sufficient to relieve him of uneasiness and the sending of 1176 stands to Rhode Island for arming the Continental battalions. He condemned the granting of extravagant bounties, and again referred to the raising of the Rhode Island fifteen months' brigade, adding: "You certainly overrate the number of men upon Rhode Island, if they consist of only six Hessian and two British regiments. The Hessian regiments, when they came out complete, did not exceed 600 men each, and the British 250 each. Now, if they have decreased by casualties in proportion to the other troops in the British army, they are scarcely more than 3000; a number too small to make any attempt upon the main. I am convinced, from every appearance, that they intend to leave Rhode Island, where they have wintered comfortably, and kept up a considerable diversion, and join their main body in this state (New Jersey). How am I to oppose them, God knows; for excepting a few hundred from Jersey, Pennsylvania and Virginia, I have not yet received a man from the continental levies. So far, therefore, from being able to consent that your continental battalions should remain at home, supposing the enemy should continue upon the island, I am obliged, in the most positive terms, to order every man who has had the smallpox to come immediately forward, and those who



GENERAL NATHANAEL GREENE: PAINTING IN STATE HOUSE, PROVIDENCE



have not, so soon as they are recovered. I have written General Varnum to the same effect. As it is my duty to afford equal protection to every part of the continent, you may be assured, if I thought there was any real danger to be apprehended from the enemy at Rhode Island, that, instead of drawing the continental troops from that quarter, I would add to their numbers. . . . As the safety of the whole confederacy depends upon each state's furnishing the quota of men allotted to it, I must call upon you in the most pressing manner to endeavor to complete your allotment by the usual methods; but, if your men will not turn out voluntarily, notwithstanding the great encouragement given by the state, I beg you will, if your powers are adequate, insist upon each district's furnishing a certain number." The latter measure was resorted to, quotas being allotted to towns. Eventually a draft was ordered in May. The final effort to complete the battalions, under the direction of Major Simeon Thayer, won him praise by the General Assembly and the gift of a silver-hilted sword. The officers appointed for the Continental battalions were: Israel Angell and Christopher Greene as Colonels, Jeremiah Olney as Lieutenant Colonel, Samuel Ward and Simeon Thayer as Majors.

**MAINTAINING SUPPLIES**—As the war progressed the difficulties of supplying troops with necessary clothing increased. Cloth of all kinds was scarce, and supplies as they were disclosed were purchased, and ordered made into clothing. Bounties on the production of salt and steel were offered. An embargo on the export of rum, sugar, molasses, cottonwool, coffee, tanned leather, sheep wool, and sheep, the latter unless shorn, was laid and enforced rigidly. Twice during 1777 and once in 1778 quotas of knit stockings to be furnished for soldiers were assigned to towns, and once each town was ordered to raise a quota of blankets. The distillation of grain into alcoholic beverages was forbidden. The withdrawal of so many men, more than one-third, sometimes as many as one-half, and on the occasion of general alarm all able-bodied men from their regular occupations, tended to interfere seriously with the production of commodities and particularly with farming economy. In certain instances of the production of essential articles relief from military service was permitted; thus John Wells and Waterman Williams were exempted from the draft order that they might continue at work in a paper mill, which had been established to manufacture paper for cartridges. George Tefft and Jeremiah Sheffield, making guns, also were exempted. The women and children of Rhode Island replaced their husbands, brothers and fathers so far as was possible in economic occupations, including farming. Cattle and other food animals were withdrawn from places close to the shore and convenient for raiding by the British; and many of the inhabitants abandoned their homes in exposed places, withdrawing inland, and facing serious privations in view of the unsettled industrial organization. Soldiers were everywhere; camped in strategic positions, or marching from place to place as directed; or billeted in homes, if not barracked in houses abandoned by inhabitants who had fled for safety. Other soldiers passed along the streets and highways, on their way to mustering for active service, or on the way home after a tour of duty. Small wonder that some social activities, including schools, were for the time being abandoned. Two of the schoolhouses in Providence were military laboratories. Rhode Island College had closed its doors, as professors and students went to the war; University Hall, the only college building at the period, was used as barracks for troops, and afterward as a hospital. While General Malmedy was in Rhode Island he inspected the fortifications erected in 1776, and advised the strengthening of some, the abandonment of others, and the fortifying of places that he considered of greater strategic importance. Most of the points along the shores of Narragansett Bay were fortified in some way, if only with trenches and breastworks to protect sharpshooters. Under General Spencer's direction a fort was laid out on Prospect Hill in Providence as a defence for the town.

**SPENCER'S RHODE ISLAND EXPEDITION**—The military operations involving actual conflict in arms in Rhode Island in 1777 were minor in significance, and not so numerous as might be

expected in view of the proximity of the opposing forces. The reasons for this were the inertia of Clinton, Percy and Prescott, successively commanding on the island, and the failure to assemble on the mainland for concerted action at any time a force sufficiently large to hazard an invasion of the island. Greene, whose appraisal of the British strategy was most accurate at all times and whose keen estimates of the probable action of his opponents served him well in most of his campaigning, advised urgently against a general attack upon the British on Rhode Island in 1777; so long as the latter remained at Newport they could help neither Burgoyne in the northern campaign nor Howe in New Jersey and Pennsylvania. The General Assembly, in March, "being under great concern that no attempt hath, as yet, been made against the enemy upon Rhode Island, which they consider as a great disgrace to New England in general and to this state in particular," resolved to recommend to General Spencer "(if it be any way consistent with prudence) to make an attack upon the enemy at Rhode Island." Volunteers were asked to assemble on March 12, and assistance was requested from Rehoboth, Taunton, Attleboro, Wrentham, Norton, Bellingham, Dighton, Swansea, Freedtown, Dartmouth and Middleboro. Spencer did not hazard an attack with the forces that assembled, and the expedition was abandoned.

Congress, on April 16, recommended that Rhode Island, Connecticut and Massachusetts concentrate soldiers "to attack and destroy the enemy on the Island of Rhode Island," and that Washington appoint general officers to direct the movement; the purpose stated in the resolution adopted by Congress was "to cause a diversion" of the British forces in New Jersey. Spencer undertook preparations for the attack; nevertheless a fleet carried reinforcements from Newport to Howe's army in May. Spencer was accused by his contemporaries of dilatoriness and indecision; he was embarrassed in 1777 by the slow assembling of the army being prepared for the invasion. Spring and summer both had passed before all was ready, and the concentration of troops behind the heights along the east bank of the Seacownet River was delayed until October. Rhode Island had called out half the men of the state capable of bearing arms, and had organized them into a brigade of six regiments under the immediate command of General Cornell. In addition, the fifteen months' brigade was prepared for action, and other militia guarded the shores of Narragansett Bay. Massachusetts had gathered 3000 infantry, besides artillery; and Connecticut sent 1500 soldiers. Spencer's army, when assembled, was estimated variously at 8000 to 10,000 men. On the island were probably 4000 British and Hessians, having the advantage of strongly fortified defensive positions chosen by professional soldiers. Boats had been assembled, and preparations had been made by Spencer to move his army across the Seacownet River secretly, under cover of darkness, thus to avoid the fire of British batteries commanding the river. On the night selected for the advance the wind blew a heavy gale, and the Seacownet River was impassable in the flatboats that had been constructed for ferrying a large number of men simultaneously across its always turbulent, now tempestuous, waters. The attack was postponed for three days, while the storm still raged, and postponed again and the base changed because the British had concentrated troops at the place selected for landing. Meanwhile Spencer's forces dwindled rapidly as troops were withdrawn because their officers had become dissatisfied. The British by this time had made ample preparations to meet the attack that they anticipated as the purpose of the activity noted along the east shore of the river. Spencer, on October 26, had less than 5000 men; he abandoned the expedition when news reached Rhode Island of Burgoyne's surrender at Saratoga.

Spencer was criticised severely for alleged failure, which was attributed by many to his inability to move promptly, and unofficial requests for his removal from the command in Rhode Island were addressed to Washington and to Congress. He asked for an investigation, and was acquitted by two military courts of inquiry. Perhaps his conduct may be explained in terms of the major strategy of the American campaign of 1777. Neither Wash-

ington nor Greene wished the British elsewhere than at Newport in 1777; it is conceivable that Spencer had been instructed to conduct his campaign in such manner as to keep the British army in Rhode Island for the time being. Burgoyne's instructions to Baum, who met disaster at Bennington, were to march across country to Springfield, where he would meet his majesty's forces from Rhode Island! If Spencer actually aimed to prevent the sending of reinforcements from Newport to Burgoyne's army and to upset the plan for an invasion of central New England, culminating in junction of the British forces in western Massachusetts, he had been eminently successful; and Rhode Island, in enduring the discomfort of British occupation was suffering vicariously for the nation.

**MINOR ENGAGEMENTS**—Skirmishes along the extended lines held by the opposing forces occurred occasionally, but not so frequently as might be expected had they not been separated by open waters. The "Cerberus," British frigate, was driven from the Seacownet River, near the Fogland Ferry, by troops stationed in Little Compton in January, who damaged her hull with artillery fire. The British thereupon fortified high ground on the island west of the ferry, and also Butt's Hill. They sent a raiding party to Prudence Island on January 14 and burned the houses that Wallace had overlooked or spared. A British armed schooner grounded in shoal water between Prudence and Patience Islands one month later; her crew abandoned the schooner, exploded the magazine and set the vessel on fire, lest it be captured by the "Providence," sloop, which was approaching. An American raid, planned to carry hay off Rhode Island, was covered by the "Spitfire," row galley, which exchanged cannon shots with a British battery on shore. At Bristol, on April 2, the "Washington," row galley, exploded, and eight of the complement lost their lives; the vessel was repaired, rigged as a schooner, and placed in commission in August.

The marine committee was dissatisfied with the inactivity of Esek Hopkins, and, in February, ordered him to send four of his vessels to sea, but Hopkins could not obtain sailors; he was suspended in March. To assist Captain John B. Hopkins of the "Warren," frigate, and Captain Abraham Whipple of the "Providence," frigate, to go to sea, the General Assembly authorized the impressment of transient seamen not citizens of Rhode Island or other states, but neither vessel was able to sail. Rhode Island ordered the purchase of two armed cruisers and three merchant vessels in June. Occasionally, taking advantage of darkness or storm, adventurous captains drove their vessels in or out of Narragansett Bay, past the British warships. Not all were successful; a privateer, sailing from Providence, was driven ashore at Seacownet and burned. Congress ordered the purchase in Rhode Island of six vessels to be used as fireships, additional to the two purchased earlier in the year by the state. Colonel Elliott's Rhode Island artillery drove the "Renown," British ship, fifty guns, from her anchorage near Dutch Island, on August 2, and cleared the way for a raid on Conanicut, then held by the British. The British retaliated, but their raiding party landing at Narragansett on August 5 was driven back by the Rhode Island militia. Across the bay, on August 5, Captain Dyer invaded the island of Rhode Island from Tiverton to punish British who had fired on fishing boats in the Seacownet River; the British were driven back to the protection of their forts, and Captain Dyer, wounded, was carried off the field by his soldiers. Prisoners were taken in raids upon Prudence Island and Rhode Island early in September. The artillery at Point Judith captured the "Syren," ship, twenty-eight guns, which had run aground on November 6. A squadron of British warships from the Delaware reached Newport in December, and army and navy settled down in winter quarters.

**BARTON CAPTURES PRESCOTT**—The most conspicuous, daring and successful exploit of the year in Rhode Island was the capture of Major General Prescott, commanding the British, by Colonel William Barton, of Rhode Island, on the night of July 9. In December, 1776, Major General Charles Lee was captured by British\* and was held as a prisoner for exchange;

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\*Chapter XII.

there could be no exchange, however, unless and until Washington could offer a captured British officer of equal rank. Barton had been with the brigade on Rhode Island previous to British occupation, and, in December, 1776, had withdrawn to Tiverton, and built a fortified camp on the highlands overlooking and commanding the channel of the Seacownet River. There he planned the capture of Prescott. From British deserters, Americans who evaded the British patrols and escaped from the island, and scouts in the American service, Barton learned that Prescott was quartered at Overing's house some distance away from the main body of troops under his command. To this extent the situation on Rhode Island resembled somewhat that attending the capture of Lee, who stopped to spend the night at a farmhouse miles from his army, and there was surrounded. There is reason to believe that Barton, in disguise, visited the island to confirm the reports concerning Prescott, and to plan the details of an expedition to capture him. Barton confided his design to Colonel Stanton; they called together with them five other officers, whom they persuaded to join in a secret expedition, the purpose of which was not disclosed, however. Five whaleboats were obtained, and then Barton paraded his regiment and asked for forty volunteers to accompany him upon an expedition against the enemy. *The entire regiment stepped forward as one man to volunteer.* Barton's headquarters were to the east of the island of Rhode Island; the Overing house was in Portsmouth one mile from the westerly shore of the island. It was desirable, therefore, to pass around the northern end of the island of Rhode Island; this involved the danger of discovery by patrols from the British war vessels anchored in Narragansett Bay.

On the night of July 4, 1777, Barton and his followers embarked and started to row across Mount Hope Bay from Tiverton to Bristol. A violent thunderstorm scattered the boats, and some were twenty-six hours in making the passage. When all had reached Bristol, they set forth again in the evening of July 5 for Hog Island, which lies between Poppasquash Point and Bristol Ferry. There Barton for the first time disclosed his project to his followers, laying upon them the pledge of secrecy. They then returned to Bristol, and on the night of July 6, crossed Narragansett Bay to Warwick Neck. A heavy storm delayed the departure from Warwick until the night of July 9. Embarking under cover of darkness, Barton and his men passed between Prudence and Patience Islands, in order to avoid observation from the ships of the enemy near Hope Island; and thence down the westerly side of Prudence Island, placing Hope Island between themselves and the enemy fleet. Gaining the westerly shore of Rhode Island, the party marched in five divisions, three assigned one each to the three entrances to the house in which Prescott slept, the fourth to guard the road, and the fifth in reserve for emergencies. Rumor relates that Prescott and his companions slept unusually soundly on the night of July 9, assigning as a reason the fact that a prize cargo of wines and spirits had been brought into Newport the day before, some of the cargo no doubt finding its way to the officers' mess. The sentinel standing guard at the gate was taken by surprise and silenced before he could raise an alarm. The Barton party surrounded the house and burst in the door.

Barton in person captured Prescott before the latter could rise from his bed. "Colonel Barton went to his bed," wrote John Hunt, a member of the party, "and ordered him to surrender." Hunt took Prescott's clothes, and Prescott was compelled to arise and accompany his captors without dressing. Only when the Barton party had travelled so far from the house as to assure themselves that they were reunited and not in immediate danger of pursuit, was Prescott permitted to exchange nightshirt for uniform. Then the party, including Prescott, his aide-de-camp with the rank of major, and the sentinel, a private, boarded the boats and rowed quietly back to Warwick. Prescott was taken to Providence, signed a parole there on July 14, and was sent to Governor Trumbull of Connecticut at Lebanon, there to await exchange or discharge. Barton and his companions received a reward of \$1120 from Rhode Island, under an offer made earlier in the year to encourage captures of British. The General

Assembly voted thanks to Barton and the other officers and soldiers for "their brave execution" of the enterprise "in the most prudent and gallant manner" and commended Barton and the other commissioned officers of the party "to the notice of his excellency General Washington for promotion according to their merit." Congress awarded Barton a sword, and he was appointed as an aide on General Greene's staff.

**NEW ENGLAND CONFERENCE**—Rhode Island sent Stephen Hopkins, William Bradford and Paul Mumford to a conference of committees from the New England States and New York, which assembled at Springfield on July 30. Stephen Hopkins was chosen President of the conference. The subjects considered were paper money, regulation of prices, embargoes on transportation, and the raising of soldiers. The conference was unanimously of the opinion that the quantity of paper money emitted exceeded what was necessary for trade and support of the war, and tended to produce depreciation and attendant evils; and recommended the calling in of non-interest bearing notes, except fractional currency, and redemption by taxes, or treasury notes carrying interest, and that effort be made to support war expenditures so far as possible by taxation. The conference recommended the repeal of statutes to prevent monopolies as interfering with trade which sometimes was legitimate, and the substitution therefor of measures to assist soldiers and their families in obtaining necessities of life at reasonable prices, with heavy penalties for inflating prices of goods sold in small quantities by engrossing; and that embargoes restricting free transportation of goods between states be resorted to only when absolutely necessary. The conference was of opinion that the situation facing New England and the necessity of procuring supplies of all kinds demanded as little interference with trade as was possible. For the defence of Rhode Island the conference recommended a New England army of approximately 4000 men under general officers, consisting of two battalions each from Rhode Island and Massachusetts, one battalion of 728 men from Connecticut, and 300 men from New Hampshire. The conference report was referred to Congress, which on November 22 resolved to request the states to raise \$5,000,000 by taxes, Rhode Island's share being apportioned as \$100,000; and to recommend that the states refrain from emitting bills of credit, call in paper currency emitted except fractional currency, and "for the future to provide for the exigencies of war and the support of government by taxes to be levied within the year, or such other expedient as may produce a competent supply."

**PAPER MONEY PROBLEMS**—The General Assembly met thirteen times in 1777, at Providence in February, May, June, July, August, October and December, and twice in March; at South Kingstown in April, May and September; at East Greenwich in December. The election meeting in May was at Providence. To meet the situation occasioned by British occupation of the island towns, and the absence of many freemen from home on military duty, for soldiers special provision was made for casting the proxy vote for general officers, and for freemen from the island towns for electing Deputies to the General Assembly in town meetings at places designated on the mainland. For the first time delegates to represent Rhode Island in Congress were elected by the freemen in 1777, instead of appointed by the General Assembly, and Stephen Hopkins, William Ellery and Henry Marchant were chosen in the April general election. Rhode Island proceeded to carry into effect in 1777 the financial policy approved by the New England conferences at Providence in December, 1776, and confirmed by the Springfield conference in 1777, and in part by Congress in November, 1777. To meet immediate need for money £50,000, in notes payable in five years and carrying five per cent. interest, was borrowed in February; and in May \$15,000 of notes in denominations of fractions of a dollar were emitted to replace small silver coins, which had disappeared from circulation. The fractions, one-third, one-fourth, one-sixth, one-eighth, one-twelfth, one-eighteenth, one-twenty-fourth and one-thirty-sixth of a dollar, almost bewilder one familiar with modern decimal currency. In October the Assembly voted to call in and retire all outstanding non-

interest bearing notes on November 1, 1778, except only the fractional currency. Congress sent \$190,000 of Continental notes to Rhode Island in July, as reimbursement in part of the accumulating indebtedness of the United States to Rhode Island, as the state advanced money to promote the enlistment and equipment of soldiers and for other general purposes. Taxable estates were valued at £2,111,371, equivalent to \$7,038,000, in February. On this valuation a tax of £16,000 was levied in March, another of £32,000 in August, and a third of £48,000 in December. The August tax was payable in December, and that of December in March. The £80,000 ordered raised in the levies of August and December was pledged for the redemption of state notes; but in February, 1778, under the pressure of urgent need, the Assembly authorized the use of £53,000 of tax money that had been paid into the treasury, for four months, until replaced when Congress repaid the state for advances. Bills issued in 1775 and 1776, and paid into the treasury, amounting, with interest, to £73,193, were burned in October, 1778. The Treasurer was authorized to hire £20,000 at six per cent. in March, 1778. The Assembly ordered a tax of £32,000 in June, which included £7500, or \$25,000, the quarterly part of the \$100,000 requested by Congress in November, 1777. In October a levy of £30,000 was ordered. The taxes for two years exceeded seven and one-half per cent. of the state valuation.

Rhode Island also adopted the general economic policy outlined at Springfield, repealing embargoes and statutes restricting monopolies and regulating prices of labor and commodities rigidly. Congress called a conference of representatives of the New England states and New York, Delaware and Pennsylvania, which met at New Haven in December, 1777, William Greene and Jabez Bowen representing Rhode Island. This conference recommended regulation of prices, but Rhode Island and Massachusetts both were reluctant to return to the policy condemned at Springfield. Governor Trumbull of Connecticut, writing in May, complained that Rhode Island, in its neglect to follow the New Haven recommendation, was hazarding harmony and unity of action; Connecticut sent a committee to Rhode Island to confer, but Rhode Island postponed the matter, awaiting action by Massachusetts. With Narragansett Bay practically closed to ocean commerce, Rhode Island had become dependent upon the use of Massachusetts ports for entry of goods, which subsequently were brought to Rhode Island overland. The price regulation policy failed ultimately of general adoption. To protect soldiers and their families against exorbitant increase of prices, an obligation assumed because enlistment had been made and army wages established while prices were limited, the state purchased necessary commodities at wholesale prices, and retailed them to soldiers at the rates previously established for retail sales. This policy was abandoned late in 1778, when the wages of soldiers and officers were increased by subsistence money to offset price increases; in 1779 a scale of payments without subsistence money was adopted. Embargoes were discontinued, but from June 10 to November 15, 1778, an embargo on wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, livestock and other provisions was enforced in compliance with a resolution adopted by Congress. Rhode Island complained, with good reason, of an embargo on food enforced by Connecticut in 1778, pleading real distress for want of food, and assuring Connecticut that care would be taken to prevent food reaching the enemy. The bounty on salt was repealed in 1778; in that year a bounty had been paid on eighty bushels made from sea water in Barrington. The hope for relief from the financial and economic ruin threatening the state awakened by the alleged discovery of a silver mine in Cumberland, for the development of which a lottery was requested in February, was abandoned after an investigation.

RHODE ISLAND JOINS THE UNION—"Articles of Confederation and Perpetual Union," proposed by Congress in a resolution adopted on November 22, 1777, were ordered printed and a copy sent to every member of the General Assembly and to each of the town clerks in Rhode Island, and consideration thereof was referred by the Assembly in December to the

next session. In February, the Assembly instructed the Rhode Island delegates to propose amendments and alterations, but "after having used your utmost influence to procure them to be made, in case they should be rejected, not to decline acceding, on the part of this state, to the articles of confederation; taking care that the proposed amendments and alterations be previously entered upon the records of the Congress, that it may appear they were made before the signing of the confederation; and that this state intends hereafter to renew the motion for them. This Assembly, trusting that Congress, at some future time, convinced of their utility and justice, will adopt them; and that they will be confirmed by all the states." The amendments proposed: (1) Change in the fifth article, which required a state to maintain a representation of at least two delegates, and deprived a state of its vote in proceedings in Congress if at least two were not present, so that a state, in the event of "sickness, death or any other unavoidable accident," might continue to be represented by one delegate; (2) equalization of taxes, by provision for an estimate or valuation "made once in every five years, at least"; (3) confiscation of the King's estates in America, not for the use of the separate estates in which these lay, but for the use of the United States, the delegates being instructed "to move in Congress . . . that all such lands and revenues be forfeited to the United States, to be disposed of and appropriated by Congress for the benefit of the whole confederacy." Rhode Island's delegates were instructed to sign the ratification of the Articles of Confederation on behalf of Rhode Island unequivocally and irrevocably, whatever disposition might be made of the proposed amendments; thus ratification in February, 1778, was unconditional, and Rhode Island, as it had been first to declare independence, was also *first to enter the Confederation*.

Consistently, Rhode Island was last to leave it, by ratifying the Constitution May 29, 1790, last of the original thirteen states because of insistence that the modification of the Constitution which it proposed should be made before ratification. There was no war menace in 1790, as there was in 1778, when true patriotism demanded waiver of differences and sacrifices for the common welfare. On one proposal of Congress made in the resolutions of November, 1777, Rhode Island delayed; in dealing with avowed enemies among freemen and residents, it had taken possession only of rents, revenues and income; confiscation of estates was postponed even after other states had acted and Congress advised it. Rhode Island had too much respect for the opinions of men to punish or penalize unduly those who were not engaged in overt acts of treason and not actually levying war.

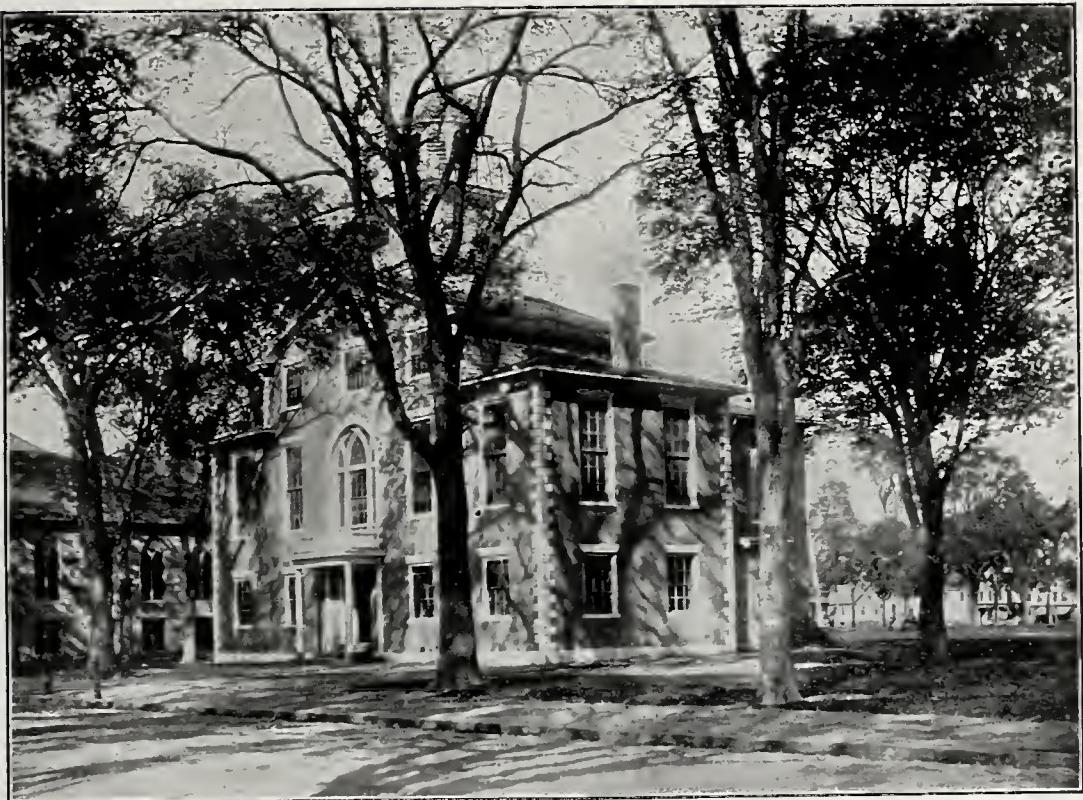
In compliance with a resolution of Congress, confirmed by the General Assembly, which ordered a proclamation by the Governor, December 18, 1777, was observed in Rhode Island, as elsewhere, as a day "for solemn thanksgiving and praise, that at one time and with one voice the good people may express the grateful feelings of their hearts and consecrate themselves to the service of their divine Benefactor." Congress also recommended that "servile labor and such recreation as, though at other times innocent, may be unbecoming the purpose of this appointment, may be omitted on so solemn an occasion." The victory of Saratoga, and the prospect of an alliance with France, warranted rejoicing. A treaty was signed February 6, 1778, France acknowledging American independence. The news was received and suitably celebrated in Rhode Island on April 21. Seven days later England's proposals for peace were burned by the hangman. England, tired of the war and foreseeing the probable consequences of French intervention, proposed peace without independence, though otherwise willing to concede many of the demands made by America before the war. Negotiations through commissioners sent to Congress as well as by the British generals stationed in America with American commanders were undertaken. Pigot, in a letter addressed to General Sullivan, characterized the terms offered "the rebels" as "more generous than they could or had reason to expect from the hands of his most merciful master." The General Assembly refused

to permit Burgoyne's army to pass through the state and embark at Newport for England, the council of war holding strictly to the terms of the surrender, which named Boston as the port of departure. Another reason was the wish to avoid the mingling of Burgoyne's defeated troops with those at Newport, and the difficulties of identification, that might arise later. The army as a body never returned to England; it was removed from Cambridge to Vermont while negotiations for a change in the port of embarkation proceeded. Eventually some officers and soldiers were exchanged or discharged; many of the Hessians settled in America and became citizens of the United States. Burgoyne himself embarked at Newport for England on April 15, 1778.

**GENERAL JOHN SULLIVAN IN COMMAND**—Measures to retrieve the disastrous failure of the expedition against the British in Rhode Island in 1777 were undertaken speedily. Essentially there was an almost complete military reorganization. Prescott had been replaced by General Robert Pigot as commander of the British in midsummer, 1777. Spencer tendered his resignation, effective December 31, as commander of the American forces in Rhode Island. Nathanael Greene asked for appointment as his successor, but could not be spared from the Continental army. Instead General John Sullivan, one of the ablest officers serving under Washington, was assigned to Rhode Island and arrived in April. Meanwhile, with the purpose of replacing the fifteen months' brigade, whose terms of enlistment expired in March, the General Assembly ordered the raising of a new brigade of 1500 men, the force assigned to Rhode Island in the New England army of 4000 men for the defence of Rhode Island agreed to in the Springfield conference. The new brigade consisted of two regiments of infantry, 600 men each, and a regiment of 300 artillery. Ezekiel Cornell was elected as Brigadier General, and Robert Elliott, Archibald Crary and William Barton as Colonels. John Topham replaced William Barton as Colonel when the latter was commissioned in Continental service. General Varnum had recommended to Washington that a regiment of negroes and Indians be enlisted for Continental service; the Rhode Island battalions in continental service were consolidated, and Colonel Christopher Greene, Lieutenant Colonel Olney, Major Ward, and other officers were sent to Rhode Island to raise the new regiment. The General Assembly authorized enlistments, offered bounties to free negroes and Indians, offered freedom to slaves with compensation to their masters, and otherwise promoted the venture. The regiment of negroes fought valiantly in the battle of Rhode Island.

Rhode Island had recovered from disappointment because of the failure of Spencer in 1777, and the spirit of old days had been revived. The "Warren," frigate, Captain John B. Hopkins, sailed through the British fleet, exchanging broadsides as she passed, during a snow-storm on February 16, and thus reached the ocean. Captain Hoylsted Hacker lost the "Columbus," frigate, at Point Judith, while trying to get to sea on March 27. To avoid capture the "Columbus" was driven ashore by her captain, and was burned by the British on the following day. The "Providence," frigate, Captain Abraham Whipple, carrying important dispatches for France, sailed through the British fleet on the night of April 30, firing as she went, and sinking a British tender. Following British practice elsewhere, Pigot organized Tories in the island towns in military companies; more than a few Tories from the mainland joined the enemy. The Rhode Island Tories were not so numerous, comparatively, as elsewhere, and they were less active in military service; some of those in Pigot's army enlisted under "persuasion" or were drafted. Pigot's treatment of prisoners at Newport occasioned protest; it was bad, but no worse than the inhumanity practiced toward prisoners elsewhere, which disgraced the British army in America during the Revolution.

**INVASION OF BRISTOL**—Preparations for a second expedition against the British on Rhode Island were making on the mainland even before the British withdrawal from Philadelphia and concentration at New York, and the arrival of a French fleet of war vessels had changed



BRISTOL COUNTY COURT HOUSE; ONCE USED AS A STATE HOUSE



the major strategy of 1778. Pigot moved first, with the purpose of destroying the boats in the Kickemuit River, which had been constructed in 1777 for Spencer's expedition, and might be used again with the purpose of landing American troops on Rhode Island. With British and Hessians numbering between 500 and 600, Colonel Campbell left Newport on the night of May 24, and was transported up Narragansett Bay, landing very early in the morning on the Bristol shore opposite Rumstick Point. A detachment was marched overland to the Kickemuit River, and there burned seventy flatboats and other small craft, besides a quantity of naval stores. The crew of the "Spitfire," row galley, anchored in the stream, were surprised while asleep; flames spreading to the galley were extinguished by the raiding party, which carried it away. A second body of British and Hessians marched into Warren, burning houses and plundering as they went. The Baptist meetinghouse and parsonage, the latter first home of Brown University, and seven dwellings were destroyed; the powder magazine was exploded, and prisoners were taken. A vessel in the harbor, fitting for privateering, was burned. The British columns, reunited, then marched down the peninsula into Bristol, a small force of Rhode Island troops retiring without disputing the advance seriously. St. Michael's Church, Episcopal, in Bristol was burned when mistaken for the Congregational meetinghouse, and thirty houses were destroyed. When news of the British landing reached Providence Colonel Barton and a few horsemen volunteered to ride immediately, while Sullivan was preparing to march, to call out the minute men along the road, and engage the enemy. Barton reached Bristol as the British were preparing to retire from the south end of the town, near the ferry, whither their transports had preceded them after the landing farther north. Barton and the minute men pressed closely in pursuit, and Barton was wounded in the right thigh by a musket ball. The British reached their transports leaving several dead and wounded, and carrying others wounded.

The raid upon Bristol had a most salutary effect on New England; it aroused the states to an understanding of the peril involved in their neglect to maintain the army promised by the Springfield conference. Enlistments for the Rhode Island brigade had not been satisfactory, and the General Assembly on May 28 apportioned the raising of 839 effective men to the several towns to bring the brigade to full complement of 1500. The other states had been almost wholly neglectful with reference to their quotas. Writing, on May 26, to Governor Trumbull of Connecticut, Governor Greene reported the raid on Warren and Bristol, and the destruction of boats, "which has greatly alarmed the inhabitants of this state, especially as we have been for a considerable time past almost entirely neglected by our sister states not assisting with their quotas or troops according to the agreement entered into by the convention at Springfield; and unless we can be better furnished for the future, I see nothing to hinder immediate destruction from taking place; for unless the major part of our militia are continually on duty, the shores cannot properly be guarded; and in that case we shall very soon be deprived of the necessities of life." Trumbull, on June 6, replying, practically repudiated the Springfield agreement, taking the ground that Connecticut, in view of the number of troops sent to reinforce the American forces about New York, could not send soldiers to Rhode Island. To the council of Massachusetts, Governor Greene wrote: "And we do, in the most earnest manner, call upon the state of Massachusetts Bay immediately to send in their quota of troops, and rescue us from the destruction that otherwise must ensue." One-sixth of the militia was called out in Rhode Island, except in Little Compton and Barrington; and General Sullivan was given authority to call the militia at discretion. The council of war was reorganized in May, to include members from all parts of the state; in October the membership was reduced from twenty-one to ten. The British raided Fall River on May 31, but were driven off after burning a cornmill and one dwelling.

**PREPARATION FOR ATTACK ON BRITISH**—The British in Rhode Island were reinforced in July, 1778, in the process of reassigned stations after Howe's retreat from Philadelphia.

Their effective forces were estimated as not less than 7000, against whom Sullivan could muster 1600 men, most of whom were camp disciplined but had never been in battle. A penetration of New England, with Providence as the first objective and base, was feared; and Sullivan strengthened fortifications, relocated cannon, and assigned armed boats to patrol duty in Narragansett Bay with the purpose of discovering an advance under cover of night if one were hazarded. The arrival of a French fleet off the Middle Atlantic coast, too late to intercept Howe's transports on their way from the Delaware River to the Hudson, suggested a joint American-French attack upon the British in Rhode Island, both as a diversion for the British in New York, forestalling an advance up the Hudson, and a checkmate for British designs on New England. Action in Rhode Island thus became part of the major strategy of 1778. To Sullivan was assigned the task of organizing New England troops and concentrating them in anticipation of an invasion of the island.

Of the Rhode Island militia one-half were called, and the remainder were instructed to be ready to answer an alarm promptly. So many freemen were engaged in active military service in August, 1778, that many town meetings for electing Deputies to the October General Assembly were not held, and others were poorly attended; the Assembly ordered town meetings on the last Tuesday in September in all towns "not in possession of the enemy," to assure returns of Deputies. Troops were requested from other New England states. John Hancock arrived with a brigade from Massachusetts. New Hampshire was represented; Connecticut also probably, but with small numbers, for the reasons assigned by Governor Trumbull earlier in the year for repudiating the Springfield agreement. Washington contributed to the movement in Rhode Island by crossing the Hudson River to a new base at White Plains, from which he threatened the British in New York; and by sending Lafayette overland to Rhode Island with a division of continental veterans, including a train of artillery and Varnum's and Glover's brigades. Among the troops with Lafayette were the Rhode Island continental battalions. Nathanael Greene returned to Rhode Island to lead a division. Between 10,000 and 11,000 soldiers were assembled in Rhode Island eventually; their leaders included Greene and Sullivan, Washington's most reliable Major Generals, and Lafayette, who had already demonstrated the mastery of strategy which was to prove the undoing of Cornwallis at Yorktown. With the return of the Rhode Islanders, as in the Trojan War all the Greek heroes participated, so all the Rhode Island Revolutionary heroes were gathered in Rhode Island for the movement to capture Pigot's army or drive the British from Rhode Island and New England.

**ARRIVAL OF FRENCH FLEET**—The French fleet, Count d'Estaing commanding, including twelve ships and four frigates, entered Narragansett Bay on July 29. British vessels were immediately withdrawn from exposed positions, and British troops on other islands were concentrated on Rhode Island. As the French fleet moved into the Bay, British vessels were destroyed to escape capture. A ship and two galleys in the Seacow River were exploded; four frigates were run aground and burned on Rhode Island; eventually the British sank or burned all their vessels, including two ships. The armament of the fleet thus destroyed amounted to 212 cannon. By August 9 the waters of Narragansett Bay were clear of British war vessels, and the French had landed troops on Conanicut. Sullivan's army, concentrated at Tiverton, began to move across the Seacow River to Portsmouth, as Pigot withdrew his outposts from the upper end of the island. Pigot had been completely surrounded. Americans commanded the Seacow River and held the north end of the island. The French troops on Conanicut and the French fleet closed the trap. Pigot had no ships in which a sortie might be undertaken. A siege, if continued, could have only one result—surrender; the surrender could be hastened by effective tightening of the lines and by shelling defensive positions. Possibly the war might have been ended, as it had been begun, in Rhode

Island; but that required concerted action and consistent, continuous coöperation by Americans and French.

**THE FRENCH STORM**—The American movement across the Seacownet River proceeded rapidly on August 9 in eighty-six flatboats, which had been built under the direction of Silas Talbot, and other boats brought from Weymouth. Sullivan's army numbered probably 7000 for the time being, because only one-half the Rhode Island militia had assembled, and both Connecticut and Massachusetts had failed to send complete quotas. Only when the 4000 French landed on Conanicut on August 9 had been transferred to the west shore of the island of Rhode Island would Sullivan have a marked superiority in actual numbers over the forces commanded by Pigot. On the evening of August 9 a British fleet of war, twenty-two fighting vessels, besides transports carrying reinforcements and munitions for Pigot, was seen off Point Judith. D'Estaing embarked his troops from Conanicut during the night and cleared ships for action. In the morning, August 10, he sailed, apparently in haste to come to close quarters with Admiral Howe. The latter, although commanding a squadron which in ships of the line exceeded D'Estaing's in numbers, was wary, and led the way out to sea, either because he preferred open water for combat or because he wished to draw D'Estaing away. The day of August 11 was spent in manœuvring at sea for advantage in position before closing for battle. On August 12 a terrific hurricane arose and scattered the fleets. The storm continued with unabated fury for two days. Two of the French ships, including the "Languedoc," D'Estaing's flagship, were dismasted. On land the storm was not less severe. Trees were uprooted, and tents were blown down, exposing the soldiers to heavy rain for hours without shelter. Provisions were destroyed; ammunition was wet, some so seriously that it could not be used. Horses were overcome and died. The British retirement from Portsmouth, begun on August 9, continued leisurely, and the Americans followed cautiously but steadily. The hurricane found both armies in temporary positions, without the shelter of established quarters. When the storm was over Pigot had reached the line selected by him for defence, stretching across the island from Tonomy Hill, his right resting on Easton's Pond, near the beach. Two miles north lay the American army with flanks protected by Honeyman Hill and Peckham's Hill.

Both French and British fleets had been badly disabled in the hurricane; yet both commanders were still ready for battle had physical conditions favored. The "Renown" and "Preston," British ships, attacked the "Languedoc" and "Tennant," both dismasted, and were held off until other French vessels came to the rescue and drove them away. The French fleet anchored for temporary repairs, and returned to Newport on August 20. Howe, also badly buffeted by storm, hovered about until August 22, and then sailed for New York. D'Estaing's strategy in following Howe to sea on August 10, thus abandoning the advantage of position previously gained on the eve of what had been planned to be a decisive effort to destroy or capture a British army, has been severely criticised and even ridiculed, usually with the assumptions that Pigot was in such straits that his surrender could be forced speedily by sharp action, and that Howe's fleet actually was inferior to D'Estaing's. Neither assumption has been sustained; Pigot was far from being ready to surrender; British officers of the period had too little respect for the soldierly qualities of "rebels" to fear even superior numbers, and *Sullivan did not have superior numbers* under his immediate command. Moreover, there was still hope that reinforcements might be sent from New York, justified by the appearance of Howe on August 9. So far as the fleets were concerned D'Estaing would be at disadvantage if attacked by Howe while in Newport harbor, because of shore batteries; indeed, as he sailed out to meet Howe he was heavily bombarded by British shore batteries and returned the fire. Howe had a strong fleet, reinforced after reaching New York from the Delaware; with little additional reinforcement, it could easily bottle D'Estaing in Narragansett Bay and make the Count the laughing stock of America and Europe.

**BATTLE OF RHODE ISLAND**—On land an artillery battle was opened by the Americans on August 17, to cover an advance to more advantageous positions; Pigot meanwhile consolidated his army and strengthened new defences. He was still firmly entrenched when a fleet was seen entering Narragansett Bay on August 20, and watched anxiously until it was identified as French. The fleet sailed away again on August 21, D'Estaing insisting, after making necessary immediate repairs, to follow literally his instructions to refit at Boston. News had reached America, and was imparted to D'Estaing by Lafayette, than an English fleet had sailed from Plymouth for America shortly after D'Estaing left Toulon. Were Howe reinforced by this fleet of thirteen warships, D'Estaing, unless completely refitted, could not venture to hazard meeting him in battle. D'Estaing refused to delay departure for Boston even for a day, although urged by American officers, particularly by Greene and Lafayette, to remain long enough to support with troops and cannon an attack in force upon the British. D'Estaing's fleet captains sustained him unanimously in his decision to sail at once; Lafayette declined to sign a protest drawn up by the American officers against the departure. Then followed in the American lines an acute shortage of provisions, because much had been destroyed by the hurricane, and supplies had been reduced on the mainland. The situation was far from satisfactory. Sullivan had not the strength to hazard a frontal attack; Greene proposed a flank movement in boats and a surprise attack on Pigot's right and rear from Sachusett Beach, but Sullivan had been warned by Washington against imprudence that might hazard loss of his army. Should Howe return to Newport, Sullivan's flank and rear would be threatened. The American army had begun to dwindle by desertion and withdrawal. The New Hampshire contingent, all volunteers, departed. Three thousand militia, Rhode Island and Massachusetts, insisted on going home because they believed the campaign would be inactive until the French fleet returned. Sullivan had only 5400 effective men on August 27, and was actually in danger, should Pigot discover his weakness and launch a general attack.

Meanwhile, as a precautionary measure, hills to the north, in Portsmouth, had been fortified, and on the night of August 28 a retreat was undertaken quietly and in good order. Men, stores, cannon and arms were withdrawn without loss. Lafayette rode to Boston, seventy miles, in seven hours, on a mission to persuade D'Estaing to return and renew the movement. Lafayette returned, seventy miles, in six and one-half hours, too late for the battle of Rhode Island, which was fought on August 29, with D'Estaing's promise to march troops overland with reinforcements. D'Estaing was not called upon to fulfil this promise. Pigot discovered the American retreat at daylight August 29, and at once moved in pursuit, sending two columns northward along the east and west main roads. The American army had reached and rested on Butt's Hill, with flanks extended to cross the east and west roads, and pickets and covering parties guarding the flanks. The British established contact with the American pickets as seven o'clock, skirmishing continuing steadily as the pickets, as ordered, retired in good order, drawing the British on toward the field and the line selected by Sullivan for fighting a rear guard action should it become necessary. Early in the morning the British Twenty-second Regiment, Colonel Campbell, marched into an American ambuscade prepared by Silas Talbot, and lost one-fourth of its members. The Americans, posted behind stone walls, were not discovered until they rose and poured a volley almost into the faces of the British; a second volley followed before the latter, in their bewilderment, could rally, and the British column wilted. Two Hessian regiments charged to retrieve the disaster, but the Americans had retreated, still in good order. By nine o'clock the armies were engaged along the entire line, with artillery in action on both sides and frequent skirmishing. Then that happened which justified the retreat, had there been no other reasons; British warships appeared in the open water west of the American lines, and took positions for shelling the American right flank. Had the retreat been delayed even a day, Sullivan would have been trapped, with the British fleet commanding his right flank and rear, and able to land troops in his rear for a

circling movement. He was still in danger on August 29, and must fight to protect his line of retreat to the mainland.

GENERAL SULLIVAN'S REPORT OF THE BATTLE—Sullivan's report to Congress contained a résumé of the general movement in Rhode Island:

Upon the Count D'Estaing's finding himself under a necessity of going to Boston to repair the loss he sustained in the late gale of wind, I thought it best to carry on my approaches with as much vigor as possible against Newport, that no time might be lost in making the attack upon the return of his fleet, or any part of it, to coöperate with us. I had sent expresses to the Count to hasten his return, which, I had no doubt, would at least bring part of his fleet to us in a few days. Our batteries played upon the enemy's works for several days, with apparently good success, as the enemy's fire from the outworks visibly grew weaker, and they began to abandon some of those next us; and, on the 27th, we found they had removed their cannon from all the outworks except one. . . . The town of Newport is defended by two lines. . . . The first of these extends from a large pond, called Easton Pond, near to Tonomy Hill, and then turns off to the water. . . . The second line is more than a quarter of a mile within this, and extends from the sea to the north side of the island, terminating at the north battery. . . . There are a number of small works interspersed between the lines, which render an attack extremely hazardous on the land side without a naval force to coöperate with it. I, however, should have attempted carrying the works by storm, as soon as I found they had withdrawn their cannon from their outworks, had I not found, to my great surprise, that the volunteers, which composed a great part of my army, had returned, and reduced my numbers to little more than that of the enemy. Between 2000 and 3000 returned in the course of twenty-four hours, and others were still going off, upon a supposition that nothing could be done before the return of the fleet. Under these circumstances, and the apprehension of the arrival of the English fleet, with a reinforcement to relieve the garrison, I sent away, to the main, all the heavy articles that could be spared from the army; also a large party was detached to get the works in repair on the north end of the island, to throw up some additional ones, and put in good repair the batteries at Tiverton and Bristol, to secure a retreat in case of necessity. On the 28th a council of war was called, in which it was unanimously determined to remove to the north end of the island, fortify our camp, secure our communication with the main, and hold our ground on the island till we could know whether the French fleet would soon return to our assistance.

On the evening of the 28th we moved, with our stores and baggage, which had not been previously sent forward, and, about two in the morning, encamped on Butt's Hill, with our right extending to the west road, and left to the east road; the flanking and covering parties still farther toward the water, on right and left. One regiment was posted in a redoubt advanced off the right of the front line; Colonel Henry B. Livingston, with a light corps, consisting of Colonel Jackson's detachment and a detachment from the army, was stationed on the east road. Another light corps, under the command of Colonel Laurens, Colonel Fleury and Major Talbot, was posted on the west road. These corps were posted nearly three miles in front; in the rear of these was the picket of the army, commanded by Colonel Wade. The enemy having received intelligence of our movement, came out early in the morning with nearly their whole force in two columns, advanced in the two roads, and were supported for some time by the picket. I ordered a regiment to support Colonel Livingston, another to support Colonel Laurens, and, at the same time, sent them orders to retire to the main army in the best order they could. We kept up a retreating fire upon the enemy, and retired in excellent order to the main army. The enemy advanced on our left very near, but were repulsed by General Glover. Then they retired to Quaker Hill. The Hessian column formed on a chain of hills running northward from Quaker Hill. Our army was drawn up, the first line in front of the works on Butt's Hill; the second in the rear of the hill; and the reserve near a creek and nearly half a mile in rear of the first line. The distance between those hills is about one mile. The ground between the hills is meadow land interspersed with trees and small copse of wood.

The enemy began a cannonade upon us about nine in the morning, which was returned with double force. Skirmishing continued between the advance parties until near ten o'clock, when the enemy's two ships of war and some small armed vessels having gained our right flank and begun a fire, the enemy bent their whole force that way, and endeavored to turn our right under cover of the ships' fire, and to take the advanced redoubt on the right. They were twice driven back in great confusion; but a third trial was made with greater numbers and with more resolution, which, had it not been for the timely aid sent forward, would

have succeeded. A sharp contest of nearly an hour ensued, in which the cannon from both armies, placed on the hills, played briskly in support of their own party. The enemy were at length routed, and fled in great confusion to the hill where they first formed, and where they had artillery and some works to cover them, leaving their dead and wounded, in considerable numbers, behind them. It was impossible to ascertain the number of dead on the field, as it could not be approached by either party without being exposed to the cannon of the other army. Our party recovered about twenty of their wounded, and took nearly sixty prisoners. . . . The number of their dead I have not been able to ascertain, but know them to be very considerable. An officer informs me that in one place he counted sixty of their dead. . . . The firing of artillery continued through the day, the musketry with intermission of six hours. The heat of the action continued near an hour, which must have ended in the ruin of the British army, had not their redoubts on the hill covered them from further pursuit. We were about to attack them in their lines; but the men having had no rest the night before, and nothing to eat either that night or the day of the action, and having been in constant action through most of the day, it was not thought advisable, especially as their position was exceedingly strong, and their numbers fully equal, if not superior, to ours. Not more than 1500 of my troops had ever been in action before. I should before have taken possession of the hill they occupied, and fortified it; but it is no defence against an enemy coming from the south part of the island; though exceedingly good against one advancing from the north and toward the town, and had been fortified by the enemy for that purpose.

**VALOR OF RHODE ISLAND TROOPS**—General Nathanael Greene commanded the right wing of the American army, which bore the brunt of the British and Hessian attacks during the long summer day. Greene's division comprised Varnum's brigade of continental infantry, including the Rhode Island battalions; Cornell's brigade of Rhode Island troops serving under a year's enlistment; Glover's brigade of the continental line; and a brigade commanded by Colonel Christopher Greene of Rhode Island. John Hancock was not in the battle; he had returned to Boston to hasten refitting the French ships. With the Rhode Island continental troops was Colonel Greene's regiment of negroes, commanded for the day by Major Samuel Ward; this regiment repulsed three concerted assaults by Hessians with heavy losses. The fighting was most furious in front of the position assigned to Varnum's brigade. The Hessians formed three times on Anthony's Hill and charged across the valley between Anthony's Hill and Butt's Hill, until the fields were strewn with their dead bodies, and the right wing broke the last assault with a bayonet charge. Sullivan sent as reinforcements two continental battalions, and these joined in the charge that ended the concerted battle. A Rhode Island writer described this phase of the battle of Rhode Island: "Three times the Hessian charges broke with frightful losses in the valley between Anthony's Hill and Butt's Hill, until the fields were strewn with piles of bodies. Still the right wing held intact with steadfast courage. Concentrated and massed for a final charge upon the right wing, the Hessians advanced with fixed bayonets, on, on, almost to the American line, until, steel meeting steel in vigorous sortie and counter-attack, the Hessians faltered and then fell back, defeated."

Three times the Hessian hosts assailed the lines in vain,  
And three times back the scarlet flood receded without gain;  
The slopes of Anthony's and Butt's, the vale between them, too,  
Were strewn with Hessian dead, and still the British bugles blew;  
For Pigot planned a final charge, massing his troops with skill,  
Filling the ranks with fresh reserves, sending them down the hill.  
Onward they march with steady tread across the vale and on,  
Their bayonets fixed, with blinding flash reflect the sinking sun,  
While patriots wait, withholding fire as thrice before that day,  
Onward the Hessian column treads, eager to end the fray.  
One crashing volley from the guns, the Hessians reel, but still  
Rally again, as patriots charge, rolling them down the hill.  
The Hessians break as steel meets steel, leaving their guns, and flee.

The British and Hessians abandoned the field, leaving their dead and wounded; Americans followed in pursuit, and captured a battery, abandoned in the haste of departure. General Sullivan, in his letter to Congress, commended his troops and officers, thus: "I have the

pleasure to inform Congress that no troops could possibly show more spirit than those of ours which were engaged. Colonel Livingston and all the officers of the light corps behaved with remarkable spirit. Colonels Laurens, Fleury and Major Talbot, with the officers of that corps, behaved with great gallantry. The brigades of the first line—Varnum's, Glover's, Cornell's and Greene's—behaved with great firmness. Major General Greene, who commanded the attack on the right, did himself the highest honor, by the judgment and bravery exhibited in action. One brigade only of the second line was brought into action, commanded by Brigadier General Lovell. He and his brigade of militia behaved with great resolution. Colonel Crane and the officers of the artillery deserve the highest praise. . . . Our army retired to camp after the action; the enemy employed themselves, through the night, in fortifying their camp."

**RETREAT FROM RHODE ISLAND**—On August 30 the council of officers agreed unanimously to withdraw from the island. The retreat was described by Sullivan in his letter to Congress, thus: "In the morning of the 30th I received a letter from his excellency General Washington, giving me notice that Lord Howe had sailed with the fleet; and receiving intelligence at the same time that a fleet was off Block Island, and also a letter from Boston, informing me that the Count D'Estaing could not come around so soon as I expected, a council was called, and as we could have no prospect of operating against Newport with success without the assistance of a fleet, it was unanimously agreed to quit the island until the return of the French squadron. To make a retreat in the face of an enemy, equal, if not superior, in numbers, and cross a river, without loss, I knew was an arduous task and seldom accomplished if attempted. As our sentries were within 200 yards of each other, I knew it would require the greatest care and attention. To cover my design from the enemy, I ordered a number of tents to be brought forward and pitched in sight of the enemy, and almost the whole army to employ themselves in fortifying the camp. The heavy baggage and stores were falling back and crossing through the day; at dark the tents were struck, and the light baggage and troops passed down; and before twelve o'clock the main army had crossed, with the stores and baggage. The Marquis de Lafayette arrived about eleven in the evening from Boston; where he had been, by request of the general officers, to solicit the speedy return of the fleet. He was sensibly mortified that he was out of action; and, that he might not be out of the way in case of action, he had ridden hence to Boston in seven hours, and returned in six and a half—the distance nearly seventy miles. He returned in time enough to bring off the pickets and other parties which covered the retreat of the army, which he did in excellent order; not a man was left behind, nor the smallest article lost. . . . The event has proved how timely my retreat took place, as one hundred sail of the enemy's ships arrived in the harbor the morning after the retreat. I should do the highest injustice if I neglected to mention that Brigadier General Cornell's indefatigable industry in preparing for the expedition, and his good conduct through the whole, merit particular notice. Major Talbot, who assisted in preparing the boats, and afterward served in Colonel Laurens' corps, deserves great praise."

The failure of the Rhode Island campaign was discouraging, in spite of the brilliant victory for the American army in the rear guard action fought at Butt's Hill, and the remarkable achievement of retreat of the entire army across a river without losses. Washington had entertained hopes that a success might end the war. He wrote: "If the garrison of that place, consisting of nearly 6000 men had been captured, as there was, in appearance at least, a hundred to one in favor of it, it would have given the finishing blow to the British pretensions of sovereignty over this country; and would, I am persuaded, have hastened the departure of the troops in New York as fast as their canvas wings could carry them away." Greene was no less disappointed, but expressed his admiration for Sullivan's conduct of operations, thus: "Our numbers at the time we left the enemy's lines were not much superior to the garrison. We knew they expected a reinforcement hourly. Had any considerable force

arrived the night we retreated, landed and marched out with the old garrison, we should have met with a defeat. . . . I have seen as much service almost as any man in the American army, and have been in as many or more actions than any one. I know the character of our general officers as well as any one; and if I am any judge the expedition has been prudently and well conducted, and I am confident there is not a general officer, from the commander-in-chief to the youngest in the field, that would have gone greater lengths to have given success to the expedition than General Sullivan. He is sensible, active, ambitious, brave and persevering in his temper; and the object was sufficiently important to make him despise every difficulty opposed to his success, as far as he was at liberty to consult his own reputation; but the public good is of higher importance than personal glory, and the one is not to be gratified at the risk and expense of the other."

There had been enough of misunderstanding and misinterpretation of relations between American and French officers in the Rhode Island expedition to produce disaffection had both not hastened to explain and to endeavor to reestablish a most complete *entente cordiale*. Lafayette had declined to sign the protest of the American officers against D'Estaing's sailing on August 21, and the French resented the protest; it was explained later as intended to strengthen D'Estaing in his personal wish to remain at Newport, against the unanimous vote of his fleet captains to sail. D'Estaing was not a naval officer, and his captains resented his appointment as Admiral. Congress adopted resolutions as follows: "Resolved, that the retreat made by Major General Sullivan, with the troops under his command, from Rhode Island, was prudent, timely and well conducted, and that Congress highly approves of the same; that the thanks of Congress be given to Major General Sullivan, and to the officers and troops under his command, for their fortitude and bravery displayed in the action of August 29, in which they repelled the British forces and maintained the field; that Congress have a high sense of the patriotic exertions made by the four eastern states in the late expedition against Rhode Island; that his excellency Count D'Estaing hath behaved as a brave and wise officer; and that his excellency and the officers and men under his command have rendered every benefit to these states which the circumstances and nature of the service would admit of, and are fully entitled to the regard of the friends of America." Congress also assured the Count that "Congress entertains the highest sense of his zeal and attachment, manifested in repeated instances, and especially in his spirited offer to lead the troops under his command from Boston to coöperate against Rhode Island." The simplest and most satisfying explanation of the failure of the campaign places the blame on "the weather."

The number of troops under Sullivan's command varied from time to time; estimates place the maximum number at any time as 10,835, and the number actually engaged in the battle at Butt's Hill as less than 6000. Estimates of losses vary; Sullivan reported 211 Americans killed, wounded and missing; Pigot reported 260 British casualties. Sullivan estimated Pigot's loss as 1,023. The names of officers reported by Pigot as killed or wounded included American Tories, and a letter written by a Newport Tory relating events in Newport on the day of the battle indicates that Newport Tories were engaged in the attack on Butt's Hill, and that several were killed or wounded. Sullivan, on retiring to Tiverton, dismissed the militia still with him. The continental soldiers and the Rhode Island brigade were assigned to posts in Rhode Island on guard duty against the possibility of an attempt by the British to penetrate New England. Sullivan remained in supreme command, with Lafayette, commanding the eastern shore, stationed at Bristol, with headquarters at Reynolds house; Nathanael Greene, the western shore, and General Glover, Providence and the north. Cornell's Rhode Island brigade remained at Tiverton. Other divisions of the army were assigned as follows: Varnum's brigade, at Warren and Bristol; Colonel Greene and a detachment, at East Greenwich; Lovell's and Titcomb's brigades at Pawtuxet; Glover's brigade and Jackson's regiment, at Providence.

**REINFORCEMENTS FOR BRITISH**—The arrival of reinforcements, ships and soldiers, from New York within a few days after the battle of Rhode Island increased the British army at Newport to more than 10,000. Instead of making the attack on Providence that Sullivan anticipated, New Bedford and Fairhaven were raided on September 4. New Bedford was burned, with wharves and such vessels as were not carried off; part of Fairhaven also was burned. Prescott, exchanged for Lee, superseded Pigot at Newport as commander of land forces, which was fortunate for Rhode Island, probably, since of the two Prescott was less aggressive. The British fleet, strengthened by Admiral Byron's squadron of a dozen ships of the line, made Newport a rendezvous and naval base for a time; eventually it was withdrawn for the most part for service elsewhere, principally in the Southern campaign, leaving at Newport only a small number of warships and transports. In spite of their strength and the weakness of the American forces in Rhode Island, which must have been known to the British if they maintained only the customary wartime system of espionage and communication with their own sympathizers within the American lines, the British limited their activities in and about Narragansett Bay to raiding or foraging expeditions of minor importance, in several instances exploits planned by Tories as a solace for their own bitterness against their patriot countrymen. Conanicut was occupied on April 14, 1779. Raiding parties visited North Kingstown, February 1; Point Judith twice, May 8 and June 6; other places in South Kingstown, May 21 and June 7; Fall River, July 7; Seaconnet, late in July; besides places in neighboring states, including Nantucket and Swansea. Most of the raiding parties encountered determined resistance, and they were, in several instances, driven off after sharp fighting with casualties on both sides. The Seaconnet raid was planned expressly to capture members of the Taggart family, who were known to have obtained and conveyed to the Americans important information about the disposition of troops and the defences of Newport for use by the Spencer expedition of 1777, and who later had served as officers in the flotilla of patrol boats employed by Sullivan. Two of the sons of William Taggart were captured by the Seaconnet raiding party. One, while trying to escape, was shot through the thigh and then was killed deliberately and brutally by a bayonet thrust as he lay upon the ground. The other was taken to Newport, but, with a companion, made his escape from prison, reached the shore, built a light raft of planks and logs, and was carried on it by the tide to Prudence Island and safety. Warning of the planning of raids and other valuable information about conditions on the island were conveyed to the Americans across the Seaconnet River through a system of communication established by Isaac Barker of Middletown, and Lieutenant Chapin of Sherburne's continental regiment.\*

**EXPLOIT OF SILAS TALBOT**—On the American side there was never a force sufficient to warrant extended operations; indeed, with his army reduced to less than 4000 men, of whom 1200 were continentals, 2000 state troops, and the remainder militia, Sullivan was perplexed by the problem of defending strategic positions along the farflung coastline, and was constrained to ask aid from other New England states. From these he received little encouragement even by promise, and less by actual reinforcement. Occasionally the dull monotony of a most distressing situation was relieved by a success achieved through Rhode Island initiative and the resourcefulness of men who were as much at home upon the water as upon the land. Such was the exploit of Silas Talbot in October, 1778. With the consent and approval of Sullivan, Talbot fitted out the "Hawk," sloop, with two three-pound cannon, and selected a crew of sixty daring fellows tired of camp duty and eager for adventure. Talbot planned an attack upon the "Pigot," British war galley, a brig of 200 tons displacement, mounting eight twelve-pound cannon and ten swivel guns. The "Pigot" lay in the Seaconnet River, an obstacle to commerce, an annoyance to fishermen, anathema to patriots. Sailing down Narragansett Bay and by Bristol Ferry, the "Hawk" passed the British batteries on the Portsmouth side in

\*Colonel Sherburne and a large number of his command were Rhode Islanders.

safety, but was discovered and sought concealment temporarily in the Taunton River. Still another battery, at Fogland Ferry, lay between the "Hawk" and the "Pigot," and Major Talbot, while waiting for a favorable wind, went down to Little Compton, and examined both battery and the "Pigot" through a telescope. To prevent a surprise attack, the "Pigot" was protected by a boarding net; yet Talbot planned a boarding party from his small sloop against a vessel carrying an armament twenty-five times as heavy as his own. At his request, Lieutenant William Helme and a detachment of fifteen men from Topham's Rhode Island regiment joined the expedition.

The British battery at Fogland Ferry was passed at night on October 28, quietly, with sails lowered and only the bare mast exposed to possible discovery by a wary sentry. The battery passed in safety, Talbot anchored the "Hawk" temporarily, and reconnoitred in a small boat to determine the exact position of the "Pigot." Returning to the "Hawk," he placed a kedge anchor on the jibboom, and sailed with all speed against the "Pigot." The "Hawk" was discovered by the lookout, hailed and fired upon with muskets. The anchor on the boom tore away the boarding net, and Talbot and his crew boarded at the first contact, Helme and others, who had taken positions on the bowsprit leading. The crew of the "Pigot" was taken by surprise and driven below quickly. Lieutenant Dunlop, commanding the "Pigot" and disposed to fight, was subdued; and then shed real tears of chagrin when he was compelled to surrender his brig to so small a vessel as the "Hawk." Silas Talbot succeeded in making sail on the "Pigot" and carried the vessel away to New London for refitting. Subsequently the "Pigot" was one of a squadron commanded by Talbot in which he spread terror among British vessels operating in the waters between Nantucket and New York. Congress commissioned Talbot as Lieutenant Colonel, and Rhode Island presented to him and to Lieutenant Helme silver-mounted swords.

Lieutenant Chapin of Sherburne's continental regiment, with six men in a whaleboat, boarded and captured a brig in the Seacownet River on December 17. The "Providence," sloop, Captain Hacker, captured the "Diligent," British cruiser, twelve guns, after a vigorous naval battle lasting four hours, and also a British supply ship laden with rice, and sent both into Providence as prizes on May 11. Two days later a flotilla of three small vessels in Rhode Island service captured a sloop off Newport. Lieutenant Colonel Talbot, on the "Argo," armed sloop, ten cannon and sixty men, captured the "Lively," privateer, ten cannon, and three prizes, and returned to Providence on July 7 from the same cruise with two other armed vessels, twelve and eighteen cannon, captured off Sandy Hook. The "Providence," frigate, Captain Abraham Whipple, and two other naval vessels, captured and sent in to Boston eight British vessels in July, 1779; these prizes, with their cargoes, were valued at close to \$1,000,000. Silas Talbot, on the "Argo," refitted with twelve cannon, captured the "King George," Tory privateer from Newport, Captain Stanton Hazard, August 7. The "King George" had been fitted out expressly to cruise in pursuit of and to capture Talbot and the "Argo"; when the vessels met Talbot laid the "Argo" alongside the "King George," boarded the brig and captured it without the loss of a man. On the same cruise Talbot took four other valuable prizes. For these adventures Congress commissioned Lieutenant Colonel Talbot as a Captain in the navy without assignment. Sailing as commander of the "General Washington," privateer, Talbot was captured in 1780 and carried away to an English prison. Of the two warships built in Narragansett Bay for the United States navy, the "Warren" was burned in the Penobscot expedition in 1779; and the "Providence" was captured at Charlestown in 1780.

Bad as was the military situation after the retreat from Rhode Island in 1778, it grew worse instead of better. Except Rhode Island, none of the New England states even pretended to maintain the quotas for the New England army agreed to at Springfield. The British force at Newport was reduced to 6000 early in 1779, but Sullivan at the time had less

than 4000 men, including the continental troops, who were subject to recall to Washington's army at any time. When Glover's brigade was recalled in April, appeals to Governor Trumbull for Connecticut's quotas for the army were met with repudiation of the Springfield agreement. Rhode Island made an effort to reënlist for continued service the members of the Rhode Island brigade whose terms expired in the spring of 1779; officers resigned because the depreciation of paper money made it impossible to maintain their families. By June the brigade had been reduced to 233 infantrymen, and the two regiments were consolidated as one. Major General Sullivan was recalled in March and assigned by Washington to command a punitive expedition against the Seneca Indians in western New York. In his year in Rhode Island he had endeared himself to the people, and on his departure he received from them many expressions of their appreciation of his services and sterling qualities as soldier and citizen. A bronze tablet in the State House commemorates his service in Rhode Island. General Glover, as senior Continental officer, succeeded him temporarily, until the arrival of Major General Gates on April 3. Varnum resigned his continental commission and became Major General of the reorganized Rhode Island militia. His successor in continental service was Brigadier General John Stark, hero of Bennington. Gates found himself in Rhode Island in command of barely the skeleton of an army. Of the continental troops, Stark's brigade remained in Rhode Island when the British sailed away from Newport on October 25, 1779.

**DISTRESS IN RHODE ISLAND**—The General Assembly met eight times in 1778, at East Greenwich in February, June and September, at South Kingstown in March and October, and at Providence in December and twice in May. Governor Cooke and Deputy Governor Bradford retired from office in May; William Greene was elected as Governor and Jabez Bowen as Deputy Governor. Stephen Hopkins, William Ellery, Henry Marchant and John Collins were elected as Congressmen, with the purpose of maintaining not less than the minimum of two delegates in actual attendance that qualified a state to vote in proceedings. Wartime measures dominated the business of the General Assembly, which was concerned with enlisting, arming, clothing and supporting troops, and finding munitions. Of two measures dealing with internal improvements, one increased fines for failure to assist in maintaining streets and highways, the depreciation of the currency having made the old scale non-effective, and the other granted a lottery for repairing a bridge across the Blackstone River. With the failure of the Sullivan expedition against the British, and the continuance of control by the latter of the island towns and of the entrance to Narragansett Bay, abject poverty and stark famine confronted Rhode Island. The condition of refugees from Newport was particularly distressing; the number was increased in the autumn of 1778 as the British, seeking shelter for soldiers, excluded many from their homes.

The General Assembly in October, resolving that "many inhabitants of the island of Rhode Island, after having suffered every evil insult from the wanton cruelty of our enemies; and from affluent and comfortable circumstances are reduced to the most distressing necessity for the common supports of life; and are now by them (in order if possible to render their distresses more aggravated) thrust out from their late comfortable and peaceable dwellings at this approaching inclement season, destitute of the means of support and subsistence, and permitted to come off to the main, to seek asylum and succor among their brethren; whereby we are called upon by every motive of compassion to extend that humanity toward them we would wish to find under similar unhappy circumstances," appointed a committee to obtain a list of persons needing assistance, and to "solicit donations from the charitable inhabitants of our sister states, and other well-disposed persons, and distribute what they can by that means collect, as well as what may be granted by this General Assembly, from time to time, as equitably as they can," and recommended that town councils list "what numbers of the inhabitants aforesaid there are now residing in their respective towns, and which numbers more they can comfortably accommodate with dwelling places during the coming winter." Captain Peleg Clarke,

late of Newport, then residing in Providence, was appointed almoner, and the General Assembly appropriated £1000 as the state's contribution to the relief fund. Aside from the distress affecting refugees, Rhode Island generally was facing a serious shortage of food in the autumn of 1778. The British held the areas that had produced much of the surplus of food in colonial days; the military movements of 1777 and 1778 contributed to a neglect of farming operations elsewhere that was cumulative in reducing production.

Governor Greene, "in the name and in the behalf of the General Assembly," wrote to the General Assembly of Connecticut in October, 1778: "The scarcity of provisions within this state necessary for the support of its inhabitants occasions our addressing you at this time. We will briefly state the causes of this scarcity. The unfortunate expedition of 1777 against Rhode Island prevented the English grain from being sown in the usual quantities, and the severe drought of the past summer cut short the produce of what was sown, as well as the labors of the present season; and from our men being all on duty for a considerable time the present fall, great losses accrued for want of a timely harvest. Added to these, we have been obliged for the two years past to keep as guards on our shores a great number of our militia, whereby the state was deprived of their labor in agriculture; and our best lands, to the amount of nearly one-fourth part of our whole state, have been either in the possession of the enemy, or so situated with respect to them, as to render their improvement impracticable; and by the blockade of our ports by the enemy, and the embargoes, prohibiting the exportation of provisions from the neighboring states, has prevented supplies both by land and water being brought in necessary quantities into this state. We wish you to consider that numbers of distressed inhabitants have already come, and are daily coming, off from Rhode Island to seek support, and that a large body of troops are posted in the state. From these facts it is easy to conceive the distress to which we are liable, unless prevented, by timely supplies from your state, and such other of our sister states as can afford them. And we will not doubt, from a due consideration thereof, that you will immediately remove every obstacle that prevents, on the part of your state, the free importation of provisions by land or water, into ours, for the consumption of its inhabitants; assuring you it shall be our particular care to prevent any supplies going to the enemy; and that no provisions be exported from this state to foreign parts." At the December session of the General Assembly a committee was appointed to draft letters to the Continental Congress and to the states of Connecticut and New York, "representing the distressed situation of some parts of this state occasioned by the scarcity of bread corn, and requesting that the embargo in those states be dispensed with, so far as prohibits the exportation thereof to this state by land." The letter to Congress was addressed to Rhode Island's delegates; it reviewed the situation and the reasons for it: "You are sensible that at the best of times this state never raised bread-corn sufficient to support its own inhabitants; nearly one-quarter of the best plowland is now in possession of the enemy; and other considerable tracts so exposed that the occupants have not dared nor been able to plant them for two years past. Added to all this, a strict embargo from all western and southern states . . . . We have repeatedly applied to the authority of the state of Connecticut for liberty to purchase and transport by land bread and meal for the support of the inhabitants of this state; but have been always put off without having our request granted. 'Tis an express vote of our General Assembly that you lay this matter before Congress and request them, in the strongest terms to take it up, and so far interest themselves in our behalf as to have the embargoes repealed in New York and Connecticut, as respects supplying the inhabitants of this state with provisions by land. If some relief is not speedily granted many of the poorer sort of inhabitants, especially those that have come from Rhode Island, must inevitably perish for want." A letter to Governor Clinton of New York repeated the same general statement of causes and necessity and continued: "Your excellency will be able to judge, from what your own inhabitants suffer, how hard the lot of those poor people must be, when I inform you that corn nor

flour cannot be purchased for money at any price whatever. We have made repeated application to our sister state of Connecticut for them to grant us the favor we now ask of you; but all in vain." Governor Trumbull's adamant refusal to assist Rhode Island either with troops or food had induced the General Assembly, in October, to address the Connecticut General Assembly instead of the Governor. Deputy Governor Bowen and Reverend James Manning, President of the Rhode Island College,\* were sent to the Connecticut General Assembly in January, 1779, "to represent to them the distress of this state for want of provisions; more especially of the unhappy persons who have left Rhode Island; and earnestly solicit a repeal of their act for laying a land embargo upon provisions so far as may respect this state." The mission carried a letter, which declared: "Repeated applications have been made to his excellency Governor Trumbull in order to obtain a repeal of your non-exportation act, with respect to provisions for the use of the inhabitants of this state, but without effect." It declared that the Rhode Island refugees then numbered 2000; that neglect of farming while one-half the man power of the state was actually in service had occasioned loss of the first harvest of grain; and that the storm in August (just before the battle of Rhode Island), "together with the injury which the Indian corn received for want of laborers, hath deprived the inhabitants of the usual quantity of grain." The letter continued: "The most obdurate heart would relent to see old age and childhood, from comfortable circumstances, reduced to the necessity of begging for a morsel of bread; and even that they cannot often obtain, not for the want of a sympathetic feeling in the inhabitants for their distresses, but merely for their inability to relieve them." The letter assured ample guarantees that provisions would not be permitted "to fall into the hands of monopolists." Of the latter the war had produced a horde so numerous and so active in buying up and hoarding necessities of life as well as articles in demand for supplying the army that Congress, in November, 1778, urged drastic legislation by the several states to deal with the evils involved. The Connecticut General Assembly yielded to the extent of permitting the exportation of 7000 bushels of grain to Rhode Island. The grain was apportioned to Bristol, Charlestown, Cranston, East Greenwich, Hopkinton, Johnston, Little Compton, North Kingstown, North Providence, Providence, Tiverton, Warren, Warwick and Westerly, and John Updike was appointed agent to purchase the grain in Connecticut and to sell it to these towns. The Connecticut Assembly also recommended contributions by Connecticut citizens for the relief of Rhode Island; subscriptions totalled £4300 and 500 bushels of grain. Meanwhile Congress had adopted resolutions urging both New York and Connecticut to permit the exportation of foodstuffs to Rhode Island. The winter of 1778-1779 was one of the most distressing in the history of the colony or state; it was replete with hardships and real suffering; it opened December 12 with an intensely cold blizzard that piled snow to unusual height. As the August storm that disabled the French fleet was known as the "French storm," that of December was known as the "Hessian storm," because so many Hessians died while on guard duty, frozen or suffocated by driving snow.

SUPPORTING CONGRESS—Rhode Island's allotment of the continental tax of \$5,000,000 requested by Congress for 1778 in a resolution adopted November 22, 1777, was \$100,000. Of this the General Assembly paid one-quarter in February, 1778, from the general treasury; one-quarter from the proceeds of a general state tax ordered in June; and the balance in June, 1779, by surrender to the continental loan office of a continental warrant for \$50,000 issued to Rhode Island as reimbursement on account of expenditures incurred in enlisting, equipping and paying soldiers at the request of Congress. Congress had no borrowing or taxing power inherently, and no taxing power by virtue of the Articles of Confederation. Congress in the beginning was solely a convention of delegates of colonies; it assumed many of the functions of government and sovereignty as the war situation developed and events carried a movement that had begun in a union for passive resistance into a union for aggressive

\*Brown University.

warfare. It borrowed money early in the war principally by emitting paper currency, under circumstances in which it must rely upon the good intentions of the colonies-states, rather than its own power to raise money, for the redemption of its promises to pay. Taxation was resorted to almost under the pressure of necessity of taking steps to bolster up the failing credit of Congress. If and when the delegates from the several states could be persuaded to apportion a "tax," it lay with the states to set up machinery for assessment and collection, and to collect and pay the tax into the continental treasury, with no effective power vested in Congress to coerce an unwilling, defiant or neglectful member of the Confederation. Rhode Island met every wartime request made by Congress with utmost patriotism; and in its relations with other states was surpassed by none in the willingness with which it coöperated and undertook its share of the common burdens. The paper money issued by Congress depreciated rapidly in view of the patent inability of Congress to redeem or to guaranty redemption, and because the war soon settled down into a bitter struggle that indicated prolongation, increased indebtedness, delay in redemption (if ever) of promises to pay, and economic exhaustion with consequent inability to pay. Recourse to taxes apportioned to the states was taken when the credit possibilities of paper currency tended to approach zero; in actual practice the exercise of the pseudo "taxing" function became a method of distributing the continental debt incurred by Congress upon the several states as the agents responsible for payment ultimately. A state could pay the tax apportioned to it by cancellation of continental warrants issued to reimburse the state for advances made at the request of Congress, as in the instance in which Rhode Island paid one-half the continental tax for 1778 by surrender of a continental warrant; or by levying a tax within its own borders, accepting payment in continental notes, and paying the continental notes into the continental loan office or treasury. The latter process did not enrich the treasury of the Confederation; if it replenished the treasury it put into it only evidence of indebtedness, incurred in earlier borrowing, rather than real money. By one process Congress issued warrants to the state as reimbursement for state expenditures for continental purposes and accepted the warrants in payment of taxes apportioned to the state; by the other, persons selling articles or service for continental war purposes might be paid in continental notes; the notes were called back into the treasury as taxes, when in the course of trade and commerce they had reached the hands of persons liable to taxation. To serve adequately its several functions additional to those of distributing the burdens of supporting government and of furnishing a medium of exchange, however, money must have intrinsic value or be exchangeable for commodities that have intrinsic value. Both the guaranty of redemption and the reasonable limitation of the volume of paper currency necessary to assure maintenance of parity with coin money, were wanting at the beginning of the war; as the war progressed the monetary problem became more and more difficult of solution. Into the interpretation of the burden of taxation by reason of the war must be read, for clear understanding, the factor of the depreciation of currency, and the tendency to pay taxes in the cheapest currency in circulation as legal tender. The latter was continental currency. Like Congress, Rhode Island had begun to finance its war ventures with paper currency; issuing non-interest bearing promises to pay; but Rhode Island abandoned this practice by agreement with other New England states, having recourse in stress of financial want to issuing short-term interest-bearing notes to be redeemed by taxes, and receivable as payment of taxes. These notes depreciated somewhat in exchange value, but not so rapidly as continental currency. There was a tendency to hoard Rhode Island's interest-bearing currency, in spite of statutory provisions aiming to maintain state and continental currency at parity. The evil effect of the legal tender provision appeared in the practice of paying taxes levied by the state with continental notes, which the General Treasurer, consistently with patriotic support of Congress and the state's laws making continental notes legal tender, could not refuse to accept.

**HEAVY TAXATION**—Rhode Island levied state taxes (exclusive of local municipal taxes) amounting to nearly eight per cent. of the assessed valuation of estates in 1777 and 1778. The actual ratio between tax and valuation was reduced by the factor of depreciation, but that was not sufficient in 1777 and 1778 to negative the fact that the taxes levied and paid in two years amounted to an overwhelming burden. When, therefore, Congress for 1779 proposed a continental tax of \$15,000,000 upon the United States, with Rhode Island's share, according to the old schedule of state allotments \$300,000 or £90,000, equivalent to the proceeds of a tax of four and one-half per cent. on valuation, additional to what must be raised in Rhode Island to redeem outstanding notes already due, to pay interest accrued, to pay off indebtedness incurred, to sustain the Rhode Island brigade and the militia if and when called to service, and to meet the expenses of government, increased as these were, if only by the item of maintaining representation in Congress, by the exigencies of war times, there was reason for a protest. The state already had been bled white through taxes levied to avoid the evil consequences of accumulating an indebtedness in paper currency, and, as related, actually faced starvation for want of food and the means of obtaining it. Under these circumstances the General Assembly appealed to Congress for relief. The Governor was directed, in January, 1779, to instruct Rhode Island's delegates in Congress "to represent that this state, from the loss of trade, from the necessary decrease of husbandry, owing to the enemy's being in the bowels of the state, upon account of the great number of inhabitants who have left Rhode Island destitute of the necessities of life, and from other causes is unable to pay," etc.

**SOUTH CAROLINA SUSTAINS RHODE ISLAND**—South Carolina, on March 2, volunteered to assume payment of \$50,000 of the tax allotted to Rhode Island, and Congress sanctioned the transfer. The General Assembly ordered taxes in 1779, as follows: In February, £90,000 payable one-half May 20 and one-half December 1, to comply with a request from Congress, and £60,000 for the state treasury, including repayment of £20,000 which the treasurer had been authorized to hire at six per cent.; in June, £60,000 for supplying the state treasury, and £225,000 for payment of a continental tax requested by Congress, as Rhode Island's allotment of a United States tax of \$37,500,000; in December, \$400,000, or £120,000, to be collected and paid in 1780, as Rhode Island's share of a United States tax of \$20,000,000. Congress also requested loans from patriotic citizens, and letters were read in every church in Rhode Island on Sunday or Sabbath, presenting the financial necessities of the United States. Rhode Island's share was apportioned as £100,000; the General Assembly, in September, directed towns to collect contributions to this "loan" from those who could pay; the "loan" thus became involuntary and almost confiscatory. Of taxes the amount ordered in 1779 was £555,000, equivalent to \$1,850,000, or to more than twenty-five per cent. of valuation. The General Assembly late in the year ordered the proceeds of a United States warrant for \$300,000 paid into the general treasury. By the end of 1779 the depreciation of continental currency had reduced its exchange value to forty to one, or two and one-half per cent. of face value. Assuming depreciation to minimum value, the amount of taxes levied was £13,875 or \$46,250. Actually it was much more than the minimum; and besides that, the depreciation indicated a woeful financial situation. Grain brought in from Connecticut early in 1779 sold at \$12 per bushel, a price resulting from a combination of depreciation of currency and actual scarcity. Wood was distributed to the poor in Bristol in 1779, and was sold to those who could afford to pay for £12, or \$40, per cord. If the war had not been brought home to Rhode Island by hostile occupation of one-fourth of her soil, and by the losses of her sons by death upon the battlefield, Rhode Island suffered enough economically to impress the price of liberty and independence upon its citizens. The depreciation of currency, while it tended to alleviate the burden of taxation, was itself a staggering blow to trade and commerce, reaching every citizen, even those who worked for wages. The possession of money was a liability; its value

decreased while it rested in pocket or till. The return on contracts diminished in the interval between agreement and settlement, while the cost of every element entering into the article to be delivered on the contract increased in the lawful money of the period. The people were reduced to desperate straits. When Burgoyne was permitted to pass through Rhode Island to Newport on his way to embarkation, his route was laid out through open rural sections in order that he might not see the desolation prevailing in Rhode Island communities. The Revolution was glorious in arms, but not less pregnant with suffering for the people than other wars.

**EVACUATION OF NEWPORT**—The British evacuated Newport late in October, 1779. The movement began on October 11, when a large fleet, including transports and an armed convoy, entered Narragansett Bay; it continued two weeks. Cannon and military stores were shipped from wharves; to embark troops the transports anchored off Brenton's Point and received the soldiers from boats. Barracks, wooden platforms for guns in fortifications, and the lighthouse at Beaver Tail were burned, the latter wantonly. Fortifications, for the most part, were left intact; American officers who examined them after the evacuation admired the engineering skill employed in construction. An unfavorable wind on October 24 delayed the departure; the fleet sailed away on the following day. On October 26, American troops moved into Newport to assure order and the protection of life and property until civil government, discontinued during the occupation, could be restored. The evacuation proceeded under the eyes of the American soldiers stationed on the east and west shores of Narragansett Bay. There was no movement to molest the departing troops; as a matter of precaution the latter were not embarked until the day of sailing, and on that day the inhabitants were ordered not to venture out of their houses. With the British sailed forty to fifty Tory families, most of them never to return. Walter Chaloner, Tory sheriff, carried away the Newport and Middletown town records, probably with the purpose of forestalling confiscation of Tory estates. Clinton, in correspondence with Washington, disclaimed knowledge of this violation of military comity. The records were on a small vessel, which was wrecked in the East River near New York, and had been under water six months before they were restored.

Newport was in a sorry plight physically after the departure. Besides the lighthouse, the British burned Long Wharf, which had become essential in the town's commercial life; the wharf was rebuilt from the proceeds of a lottery granted in 1795. The Newport State House had been used and abused as a barracks. The pews had been removed from churches that the buildings might not be encumbered for use by the British; one was an officers' riding academy. Private houses, in which troops had been billeted, had suffered; indeed, the General Assembly was called upon many times to reimburse owners of property occupied by state troops for damage arising from abuses by soldiers. Estimates of property damage alone vary between one-third and one-half a million dollars.\* Newport was depressed in spirit also; before the war it had been the Venice of America, thriving on a commerce exceeded in volume and in value nowhere else on the Atlantic seaboard. Commerce had vanished, and with it most of the rich merchants, including Hebrews, whose enterprises and adventures had loaded its wharves and warehouses with costly merchandise, and filled its coffers with gold. Once the most populous town in Rhode Island, thousands had departed; those left faced the opening of winter poorly prepared. Abject poverty was the lot of many, and the winter of 1779-1780 was so severe that Narragansett Bay was frozen from shore to shore, a rare and extraordinary occurrence. The General Assembly undertook urgent measures for relief of the poor, including providing wood for fuel.

Yet Newport and Rhode Island rejoiced, for the state was free of the enemy, soldiers could be relieved from military service, husbandry could reclaim the fertile areas that had been left by the British, manufacturing could be restored, commerce could be revived, and there

\*A committee reported to the General Assembly in 1782, wanton damage amounting to £124,798, or \$415,994.

was prospect of a profit also in privateering. Shortly after the departure of the British the militia was dismissed and the continental regiments, except Colonel Greene's, were ordered to join the main army with Washington in the camps about New York. Rhode Island began to assume less the atmosphere of a cantonment and more the aspect of peace. The war was not over, but, for the time being, Rhode Island was relieved.

**ATTEMPTS TO RELIEVE DISTRESS**—The General Assembly met eight times in 1779, in January, May, August, and December, at Providence; in February and September, at East Greenwich; in June and October, at South Kingstown. Governor Greene and Deputy Governor Bowen was reelected, and with them the four delegates to Congress chosen in 1778. The difficult economic situation prevailing affected legislation and resolutions; much of the business of the Assembly, aside from measures dealing with taxation, was related to adjustments of soldiers' wages, bounties, subsistence and other allowances, because of the depreciation of currency and rising prices. The disposition not to sell to public agents, particularly military officers, because of their insistence on price levels lower than those possible in private sales and also because of delay in payment of warrants issued, had led in 1778 to the enactment of a statute intended to establish effective processes of condemnation for public purposes of forage and fuel, and the use of horses and wagons. Generals Sullivan and Cornell protested that the procedure was cumbersome and had been construed as allowing no other method, and asked repeal; the General Assembly repealed the statute in January, 1779. To assure an equitable distribution of grain, the Assembly urged those to sell who had supplies beyond necessity, and threatened legislation. To prevent evasion of the law providing for the freeing of slaves, the exportation of slaves to other states was forbidden. The state brigade was reorganized, the infantry was consolidated into one regiment, and a new select corps of light infantry under Colonel Barton was established. The light infantry was specially equipped, and, besides, was provided with boats for use in expeditions along the bays and rivers. To promote reënlistment of the veteran officers and soldiers in the Rhode Island continental battalions, whose three years' terms were approaching conclusion, the General Assembly offered special bounties, and pledged the state, because of the soldiers' "proved fidelity, firmness and intrepidity in service," to repay "to them or to their representatives the wages of the establishment of Congress, whereon they engaged." This was substantially a guaranty against decrease in wages by depreciation of currency. When the British evacuated Newport, statutes that had forbidden trade and intercourse with Conanicut, Rhode and Block Islands were repealed. Persons who, because of suspected or alleged illicit relations with the enemy, had been removed inland were permitted to return to their homes, and restrictions on their movements were relaxed. Ferries were reestablished, and, in the instance of the west ferries, between Jamestown and South Kingstown, ferry slips and wharves were repaired or rebuilt. Town meetings were ordered in Jamestown, Middletown, Newport and Portsmouth, to renew municipal government and elect Deputies to the General Assembly, with provision for excluding from participation persons known to have been active supporters of or sympathetic with the British.

In December, an act providing for the confiscation of estates of persons who had given aid and encouragement to the enemy was passed. Earlier measures had sequestered rents and profits; the legislation of 1779 aimed at estates of inheritance as a drastic punishment for treason to America and Rhode Island. It provided for judicial procedure on the complaint of treason in the Superior Court of Judicature, special sessions of which were ordered, with jury trials. Actions for confiscation opened with complaint; complaints were continued to the next session, with order of notice by advertisement in public newspapers, personal service on defendants within the jurisdiction, or service by posting notice upon the property to be taken if the owner could not be found. In one instance, in 1780, the General Assembly enacted a

confiscatory statute without judicial process; and in another, following a charge that a jury had been tampered with and an acquittal obtained by a stubborn juryman who held out against conviction, the acquittal was set aside, and a new trial was ordered. The dower of widows in estates sold for treason was barred in 1780; but claims of creditors were settled out of the proceeds of sales of confiscated property. Of thirty-seven persons, accused of having "left this state . . . and joined the enemies thereof, thereby not only depriving these states of their personal services, at a time when they ought to have afforded their utmost aid in defending the said states against the invasions of a cruel enemy, but manifested an inimical disposition to the said states and a design to aid and abet the enemies thereof, in their wicked purposes," thirty-four were banished forever, in July, 1780. The arrest of any of those who ventured to return was ordered, with detention until they could be sent beyond the borders of the United States, and death the penalty for a second return. Five of the large farms confiscated were ordered sold in June, 1780, for gold or silver, the proceeds to be applied to the redemption of an issue of state bills of credit; other confiscated land was ordered sold in September to replenish the treasury; in July the state offered to grant part of the confiscated land to soldiers as payment of balances of wages due because of depreciation of currency.

Rising prices and the continued depreciation of currency remained perplexing problems, in spite of measures intended to correct both. A Rhode Island conference met at East Greenwich in August, and adopted a scale of prices for staple articles; it referred a proposed scale for labor and board, and manufactured articles to the town meetings for consideration. Similar conferences were held in other states, followed by interstate conferences. Stephen Hopkins and Charles Holden represented Rhode Island at a meeting of commissioners from the New England States and New York in October, 1779. William Ellery was sent to a conference of all states north of and including Virginia, which met at Philadelphia in January, 1780. To hold supplies of food within the state, and to restrict somewhat the activities of profiteers, who bought up available supplies of the necessities of life and of articles wanted for the army, most states enforced rigid embargoes. Rhode Island imposed an embargo on all commodities in October, 1779, as a measure intended to deal with a situation indicating extreme shortage, and to restrict the activities of profiteers buying in Rhode Island for exportation. John Brown and Joseph Nightingale were sent to present to the General Court of Massachusetts Rhode Island's straits because of embargoes; in consequence there was for the time being a mutual relaxation of embargoes between the neighboring states. High prices resulted from the combined effect of shortage of supplies and a debased currency, the contribution of each factor being difficult to calculate. The General Assembly voted in November, 1780, for each soldier enlisted in continental service, "forty continental dollars out of the general treasury, in lieu of one pair of stockings, which was promised him upon his enlistment." Robert Currie was paid £720, or \$2400, lawful money, for transporting "Colonel Josiah Brewster, six Oneida Indians and their interpreter, on the stage coach to Boston." Earlier during the war period the General Assembly had increased the amounts of fines, penalties and forfeitures, taxed in money, to make the assessment other than ridiculous, because so trifling in the lawful money value of the period. Fines, penalties and forfeitures of a pecuniary nature were raised "twenty-fold" in February, 1780; "forty-fold" in June, 1780; "eighty-fold," in October, 1780. East Greenwich had been granted a lottery to raise \$600 to build a schoolhouse in 1774; in 1780 the lottery was increased to \$40,000 to build two schoolhouses.

Rhode Island repealed the act to prevent depreciation of continental and other currency in February, 1780, as a measure to protect the general treasury, and thereafter in levying taxes and issuing notes stipulated the money of payment; this drastic measure, restoring a coin standard, was consistent with the new policy of Congress adopted only after the futility of unlimited paper currency without adequate provision for redemption had been demonstrated almost by disaster. Rhode Island, in further compliance with the new policy, considered

measures for state redemption of continental currency, including raising a tax of £420,000, or \$1,400,000, lawful money, which might be paid in silver at the ratio of one silver dollar for forty dollars in continental bills. The rate of exchange for continental bills in coin was seventy-two to one in November, 1780; in that month the General Assembly adopted a "scale of depreciation of continental bills of credit" between January 1, 1777, and April, 1780, indicating a month-to-month depreciation over the period. The scale was part of an act providing "that all private contracts made before the first day of May, 1775, and all special contracts made for silver or gold after that time, between individuals, shall be paid in gold or silver only; that all other private contracts made since the first day of January, 1777, may be discharged by paying the just value of the currency, contracted for, as ascertained by this act, in silver or gold, or in bills of credit of the United States at the current exchange at the time of payment; that the aforesaid scale be the rule, in all courts of law, for settling the rate of depreciation in all contracts as aforesaid; and that judgment be entered accordingly."

The General Assembly met nine times in 1780, at East Greenwich in February, March and November; at Providence, in May, July and October; at South Kingstown, in June; at Newport, in July and September, the first sessions at Newport since 1776. William Greene was reelected as Governor; William West was elected as Deputy Governor. John Collins was reelected as delegate to Congress; James M. Varnum and Daniel Mowry were chosen by the people to succeed Henry Marchant and William Ellery; the General Assembly elected Ezekiel Cornell as delegate to replace Stephen Hopkins, the people having failed to cast a majority vote for any one of the three candidates for first delegate to Congress. Besides Generals Varnum, West and Cornell, other prominent soldiers elected to civil office in May, 1780, were Colonels Elliott, Topham, Comstock and Crary, and Captain Taggart. Several of these had resigned from state military service during the preceding twelvemonth because of dissatisfaction. The election meeting in May, 1780, which, under the Charter, should assemble at Newport, was held at Providence, because "the State House at Newport is at present in so ruinous a condition that the General Assembly cannot be accommodated therein." Repairs on the State House at Newport, and also the jail, were ordered in May; at the same session the leaden roof was ordered removed from the State House at Providence, and suitable repairs made. The military hospitals at Newport and Providence were closed, and the hospital was relocated at Tiverton barracks. University Hall, at Rhode Island College, which had been used for barracks and later as a hospital, was wanted by the college, which wished to reopen. The building had been remodelled somewhat to adapt it for hospital use, and, like other structures taken for occupation by soldiers, had deteriorated. The General Assembly referred to Congress the college request that repairs be undertaken at public expense. The French, on their arrival, were not entirely satisfied with the hospital accommodations provided at Bristol and Tiverton, and asked for the college building; the request was granted, in spite of the college protest against further remodeling by the French surgeons and officers, who displayed the same thoroughness in care for the sick that was characteristic of all their wartime activities in American. For use of the college while the French occupied University Hall, the brick schoolhouse on Meeting Street was cleared of public stores. The lottery grant for building schoolhouses in East Greenwich and the activity of the college authorities reflected the more hopeful attitude in Rhode Island following the evacuation of Newport; there was a disposition to return so soon as possible to peace conditions, and to a resumption of the community enterprises that war had interrupted. Thus, a lottery to raise \$30,000 to pay the cost of paving Union Street, between Broad Street and Westminster Street, in Providence, was granted in May, 1780. The statute forbidding sales at auction was repealed; it had been enacted as a measure to restrict profiteering through the procedure of fictitious public sales to establish market prices.

MORE TAXATION—Taxes levied in 1780 included £180,000 in February as the state's allotment of a continental tax of \$45,000,000; £180,000 for the state and £180,000 for the United States, in May; £400,000 for the state, £420,000 for the United States, in July; £5000 in June and £10,000 in July, both payable only in gold or silver, or new bills of credit issued by the state and redeemable in coin. Estimating the depreciation of continental notes at forty to one, the taxes for the year totalled £49,000, or \$163,000, in coin, perhaps \$125,000 with a calculation for depreciation after April. Notes were emitted as follows: In June £20,000 at five per cent., payable June 1, 1781, in gold or Spanish dollars, at six shillings for one dollar; in July £39,000. The £780,000 of taxes assessed for Congress were payable in continental notes or in specie at the ratio of forty to one; if paid in continental currency, they would withdraw from circulation for sinking all of Rhode Island's quota of the continental notes emitted prior to March 18, 1780. Had other states acted as promptly in assessing and as diligently in collecting these taxes and paying the proceeds thereof into the continental treasury, and few did and most did not, all of the earlier continental notes would have been redeemed by actual sinking or accumulation of a sinking fund by 1781. The £39,000 of notes issued in July were Rhode Island's quota in a new series of state-continental currency intended both to replenish continental and state treasuries and furnish money for trade and exchange. These notes were emitted on the credit of the state, to be redeemed through annual taxes over a period of five years, carried five per cent. interest, and were indorsed by Congress, which guaranteed principal and interest. The ratio of exchange for old and new series was established at forty to one; new notes were to be emitted only in the ratio of one to twenty of old notes paid into the treasury for sinking. The proceeds of the emission of new notes were to be divided betwixt state and Congress, three-fifths for the state treasury and two-fifths for the continental treasury.

The new policy of Congress to shift to the states, as repositories of the taxing and other financial powers, the immediate burden of carrying on the war was exemplified in a resolution adopted February 25, 1780, calling upon the "several states for specific quantities of provisions, rum and forage for the army, and directing the articles to be collected and deposited at such places in each of the states as should be judged most convenient" by Washington as commander-in-chief. Washington designated Providence as the depository for 18,621 gallons of rum, leaving the time and place of delivery of beef and salt to the commissary, and of hay to the quartermaster. The shortage of salt had already occasioned measures for sending vessels abroad to obtain this valuable preservative and condiment. When, in June, Congress requested Rhode Island to furnish 2000 bushels of salt, the latter was purchased from the cargo of a prize brought in by the "Hermione," French frigate, Chevalier de la Touche commanding, on which Lafayette returned from his mission to the French King to obtain the grant of a French army for America. The commissary of purchases was ordered to buy and have in readiness on July 1 "200 good draught horses, 30 hogsheads of rum, 9000 pounds of beef on the hoof, hides included, and 2285 bushels of grain for forage." The committee of Congress in June established monthly quotas of commodities to be furnished by the states for the army; the quotas of other supplies were apportioned to towns except Providence and Newport, which were ordered to find the rum and salt requested by Congress. Rhode Island undertook to supply these quotas with the zeal that had characterized every contribution to the success of the war.

Congress, early in 1780, planned a reorganization of the army as a body of 35,000 men; and Rhode Island was requested to raise, additional to those already enlisted, 810 men for the regiments of Colonels Greene, Angell and Sherburne "to serve during the war." Recruiting officers for each of the towns were appointed in February. Washington, in a letter to Governor Greene under date of May 23, announced, in confidence, the expected arrival of a

French fleet, adding, "the place where they will arrive is not certainly known, but they may probably come to Rhode Island." Ten days later, writing to the Rhode Island committee of coöperation, he urged a draft as a measure for recruiting the continental battalions up to full strength. In his letter Washington reviewed the unsatisfactory situation prevailing in the army because of short enlistments, failure of states to maintain quotas, and neglect to provide food, clothing and other necessities for the soldiers. Washington was extremely anxious, in anticipation of the coming of the French, to have under his command an army of reasonable size, and maintaining an appearance of good discipline and effective support. He feared that the French might be "chagrined and discouraged" by the spectacle of the American army; and that "the succor designed for our benefit will prove a serious misfortune, and instead of rescuing us from the embarrassments we experience, and from the dangers with which we are threatened, will in all probability precipitate our ruin. . . . The court of France has done so much for us that we must make a decisive effort on our part; our situation demands it; 'tis expected." The General Assembly, in June, ordered the raising of 610 men, still needed to fill up the battalions, to serve six months from July 1, and requested that the men of Colonel Greene's regiment be consolidated with Colonel Angell's regiment, and that Colonel Greene be assigned to command the six months' contingent. The 610 men were assigned to the towns by quotas, and, in July, the drafting of 163 men to complete the battalion was ordered. In October, the enlistment of 220 men for three years or the war was provided for to fill up the continental battalions.

**FRENCH FLEET AND ARMY**—A French naval fleet mounting 700 cannon, Chevalier de Ternay, Admiral, commanding, appeared off Newport, July 10, 1780. It convoyed transports carrying Comte de Rochambeau's division, 6000 men, half the army corps of 12,000 men promised by France for concerted action against the English armies. The departure of the second division from France had been delayed. The landing of troops, cannon and stores continued for five days from July 11. The French immediately remodeled the fortifications abandoned by the British and erected others, as they completed a comprehensive system of defensive works covering the island, including Butt's Hill in Portsmouth and guarding a line of retreat to the mainland across the Seaconnet River. The French had been preceded by Dr. James Craik, who had been detailed by Washington to prepare hospitals for the sick; and by Colonel Ethis de Corny, a French purchasing agent. The need for hospitals was immediate; almost a third of the French soldiers and sailors were suffering from scurvy. The Assembly, in June, in anticipation of the arrival of the French, had appointed inspectors of markets to prevent, so far as possible, charging higher prices to French than to native buyers. The Assembly also enacted statutes (1) forbidding and punishing aiding or encouraging desertion from foreign armies and navies allied with the United States; and (2) granting to the French, without naturalization, comity, including recourse to Rhode Island courts of justice, and testate and intestate inheritance without the disabilities and prerogative interventions customarily imposed upon aliens in the polity of the eighteenth century. The French were greeted enthusiastically in Newport; by order of the town council the principal streets of the capital were illuminated on the night of June 11 by candles placed behind window panes. The General Assembly and the council adopted resolutions of welcome and exchanged letters of felicitation with Chevalier de Ternay and Comte de Rochambeau. The French officers and General Heath of the Continental army, who had succeeded General Gates, were entertained at a state dinner by the General Assembly.

Never was there so much rejoicing at military occupation, and never did troops so well earn the esteem of the people as did the French while in Rhode Island. Their officers were courtly gentlemen, gallant soldiers, distinguished members of the nobility of France, many of

them fresh from the dazzling brilliancy of Versailles and the Tuileries; the troops were under perfect discipline, with strict orders, rigidly enforced, against the disrespect for property common with soldiers of the period. Rochambeau's army could be marched through an orchard without the loss of an apple; on the long journey from Rhode Island to Yorktown mile after mile of farming country was traversed without an instance of depredation. The French were Catholics; most Rhode Islanders were Protestants. Perhaps it was fortunate that the French landing happened in Rhode Island, where the Quebec act had not been, as it was elsewhere in America, one of the causes of the Revolution; where the Charter forbade discrimination because of religion; and where there was little intolerance among the people, because of a full century of religious liberty. It is true that the French came as deliverers, bringing with them the hope that the Revolution soon might be terminated successfully; that should detract neither from the credit due to Rhode Island for the whole-hearted welcome extended to the French, nor from the credit due to the French for the splendid behavior of officers and soldiers which won them the affection of the people of Rhode Island. The Rhode Island memories of the French in Rhode Island during the Revolutionary War are as sweet as the memories of Americans in France and Belgium during the World War. The influx of so large numbers of soldiers and sailors imposed serious responsibilities upon Rhode Island in the matter of assisting the French commissary and quartermaster in obtaining supplies; and state and municipal officers coöperated splendidly. Bread flour was scarce, and efforts were made to obtain supplies in Connecticut. When the French settled down in winter quarters the cavalry was sent to Connecticut because of the greater abundance of forage; except two regiments remaining at Newport to man the fortifications, the infantry was sent to what was then North Providence, and camped on the highland north of Camp Street and Rochambeau Avenue as these highways are named in Providence. A granite boulder marks the site of the encampment. The French officers were quartered in private residences in Newport and Providence. The sick were in hospitals in Newport, Bristol and Providence. Admiral Chevalier de Ternay died of a malignant fever during the winter, and was buried in Trinity Churchyard in Newport, his grave being marked by a monument. Of the French soldiers who died some were buried in the common cemetery at Newport, some on Poppasquash Point in Bristol, and others in the North Burial Ground at Providence. The graves of the French soldiers at the North Burial Ground are marked by a monument to the "unknown" French soldiers of the Revolutionary War.

Washington had wished to relieve the despondency arising from the disaster to the American army in the South at Camden, but was deterred by the insufficiency of his army and the alertness of the British. With the arrival of the French he hoped to undertake a demonstration in force against Clinton. Only half of the French army promised reached Newport in 1780, and the British fleet supporting Clinton was reinforced soon after the French arrived, so that it exceeded Chevalier de Ternay's squadron in guns and tonnage. The French Admiral was chagrined to find himself practically constrained to remain at anchor at Newport. Washington, Rochambeau, and Ternay, each accompanied by his staff, met in conference at Hartford in September, and agreed to pass the winter without undertaking an active campaign; all were to remain alert and ready to join in any movement to forestall activity by Clinton. Colonel Greene's regiment was ordered from Rhode Island to join Washington's army. Except that the Rhode Island militia was called to the colors once to reinforce Rochambeau against a threatened attack by the British, there was no military activity in Rhode Island in the winter of 1780-1781.

Washington arrived at Newport on March 6, 1781, for a conference with Rochambeau, and was greeted by the French with the military honors accorded to a Marshal of France. Remaining at Newport until March 13, the war situation was discussed thoroughly in all its various phases, and plans were made for effective coöperation of French and American forces



*Jabez Bowen*

JABEZ BOWEN (1739-1815)

Judge of the Superior Court of Rhode Island, Deputy-Governor, and  
Chancellor of Brown University.



in the campaign outlined for 1781. In March the major project was a movement in force against Clinton in New York; as events developed, through Greene's successful campaign in the South, which hastened Cornwallis in flight to the coast and thence on to Virginia and Yorktown, the objective was changed. Leaving Newport on March 13, Washington rode through the island towns, crossed Bristol Ferry, and proceeded thence, through Bristol, Warren and Barrington, overland to Providence. He was entertained at dinner at the State House on March 14, and in the evening at a military ball in Hacker's Hall, on South Main Street. He was the guest of Jabez Bowen while in Providence. Washington left Rhode Island on March 15, riding across Connecticut to join his army on the Hudson. Colonel Rochambeau, son of the Comte, returned in May from France, whither he had sailed from Newport on October 28 with dispatches. He brought news to Washington that a new French fleet, Comte de Grasse commanding, had sailed from Brest, and that more French troops and "six millions of treasure" were on their way to America. With Colonel Rochambeau came Comte de Barras to succeed Chevalier de Ternay. Washington and Rochambeau met in conference at Wethersfield, Connecticut, on May 21; Barras, who had been invited to the conference, remained at Newport to watch a British fleet, which had appeared off Block Island. Following the Wethersfield conference the French troops, except 500 left with the Rhode Island militia to guard Newport, were withdrawn from Rhode Island. Heavy cannon made in Rhode Island were loaned to Rochambeau and were carried by the French to Yorktown. Horses and wagons were impressed to move arms, stores and baggage.

The movement of troops began on June 10, in boats from Newport to Providence, and thence westward by daily marches to join Washington at Dobbs' Ferry. The French marched by regiments, a day's journey apart. Of the journey across Connecticut a contemporary newspaper said: "A finer body of men was never in arms and no army was ever better furnished with everything necessary for a campaign. The exact discipline of the troops, and the attention of the officers to prevent any injury to individuals, have made the march of this army through the country very agreeable to the inhabitants; and it is with great pleasure we assure our readers, not a single disagreeable circumstance has taken place." Another observer of the march to New York, and subsequently to Elkton and Baltimore on the way to Yorktown, wrote: "The army of Rochambeau, on its march from Newport to Yorktown, was so thoroughly well conducted that there was not even a single instance of one of the soldiers taking an apple or a peach from an orchard without leave having been previously obtained." The leader of a delegation of Friends who greeted Rochambeau in Philadelphia said to the Comte: "General, it is not for thy military qualities that we come to make thee this visit. We make no account of talents for war; but thou art the friend of man and thy army lives in perfect order and discipline. It is this that leads us to pay thee our respects." And thus the French passed on from New York to the Yorktown campaign, to share with the Rhode Island battalion the glory of the final charge that carried the redoubt and persuaded Cornwallis to surrender. When the Yorktown campaign was developed Barras sailed to join de Grasse at the mouth of Chesapeake Bay, carrying the remaining French troops from Newport.\* Rochambeau and his army spent the winter of 1781-1782 in Virginia. Late in June the army in four divisions marched to rendezvous at Baltimore; it reached the Hudson River and Washington's American army on September 14. A month later, October 22, the French army marched toward Rhode Island, reaching the outskirts of Providence on November 11, and crossing the town to the campground in North Providence occupied during the winter of 1780-1781. The French officers were quartered in private residences as before. Rochambeau remained in Providence until arrangements had been completed for embarking his army, and himself sailed from Philadelphia, January 14. The French army broke camp in Providence on December 4, entered Boston on December 7, and sailed December 24. Not all the French

\*The French occupation of Newport is commemorated by a monument in Wellington Park.

sailed away. Comte de Segur, writing of the last stage of the march, said: "I was, moreover, obliged to keep, night and day a strict watch. The prospect of happiness which liberty presented to the soldiers, had created in many of them a desire of quitting their colors and of remaining in America. In several corps, therefore, the desertion was considerable." While the French were in Rhode Island in 1782, the General Assembly addressed a letter to Rochambeau, declaring: "Nothing can equal our admiration at the manner in which you have participated with the army of the United States in the fatigues, the toils and the glory that have attended the allied armies, but the magnanimity of the Father of His people, and the Protector of the rights of mankind. . . . May heaven reward your exertions in the cause of humanity, and the particular regard you have had to the rights of the citizenry." Rochambeau answered: "It is with an inexpressible pleasure that I and the troops under my command have received the marks of esteem and of acknowledgment which you are so good as to give to the services which we have been happy enough to render to the United States jointly with the American army, under the orders of General Washington. This state is the first we have been acquainted with. The friendly behavior of its inhabitants now, and at our arrival here, will give them always a right to our gratitude."

In Rhode Island in 1781 the General Assembly and the people were concerned with enlisting soldiers to fill up the continental battalions, raising money to support the army, and with furnishing quotas of food and other supplies requisitioned by Washington. With the departure of the French army for Dobbs' Ferry, the militia was called out in relays to maintain a garrison at Newport with the 500 French left by Rochambeau. When these French troops were withdrawn, 100 Rhode Islanders were enlisted to serve from October to April. The General Assembly met eight times in 1781, at East Greenwich in January and December; at South Kingstown in February, March and October; at Newport in May; at Providence in May and July. The meeting at Newport was conducted in the Synagogue, the State House being in use by the French. Governor Greene was reelected and Jabez Bowen was returned to office as Deputy Governor. William Ellery replaced John Collins as delegate to Congress. The town of Scituate was divided, and a new town, Foster, created. A committee appointed to determine a fair valuation for apportioning taxes reported £2,990,486, or \$9,968,286. The county valuations were: Providence, £1,080,246; King's, £892,480; Newport, £453,800; Kent, £429,000; Bristol, £134,960.<sup>†</sup> The ten towns having the largest valuations were South Kingstown, Providence, Smithfield, Scituate, Warwick, Glocester, Newport, North Kingstown, Cranston and Exeter, with Coventry the only other town with a valuation over £100,000. The name of King's County was changed in July to Washington, "in perpetual and grateful remembrance of the eminent and most distinguished services and heroic actions of the illustrious commander-in-chief of the forces of the United States of America." Taxes of £20,000 in coin for the state treasury, and £6000 in continental bills of the new series for sinking, were levied. A schedule of depreciation of continental bills of the old series from forty-two to one in April, 1780, to one hundred sixty to one in May, 1781, was adopted. The Treasurer was directed not to receive continental bills of the old series after October at any scale of depreciation. In December the General Assembly directed the delegates in Congress to consult with Robert Morris concerning a tax of \$216,000 in silver requested of Rhode Island because "the abilities of this state will not admit of collecting and paying the said sum in money"; the Assembly requested, in lieu of money, "the receiving of such articles of produce of the state as can be furnished for the use of the army, in payment of so much of the said sum required of this state . . . as the same shall amount to at the prices to be agreed upon, and to request that the sums of money, which may from time to time be collected and paid . . . may be expended within this state, that the inhabitants may not be deprived of a circulating medium." Governor Greene in a letter written pursuant to the resolution said:

<sup>†</sup>In 1782 the valuations were readjusted: Washington County, £883,480; Newport, £461,800; Kent, £428,000. The Tiverton valuation was £110,500 under this apportionment.

"The circulating cash hath been in a great measure collected and sent out of this state to pay our army when to the westward, and for other purposes, whereby the scarcity thereof hath become uncommonly great."

Washington wrote to Governor Greene early in 1782, urging the necessity of continued prompt coöperation by the states in carrying forward the work of ending the war. The victory at Yorktown had been decisive; but Washington feared that the contentment occasioned thereby might produce a lethargy that would prove fatal should England strike vigorously in renewing the struggle. He argued logically that America should not relax, and that a speedy conclusion of lasting peace would best be promoted by a demonstration of strength in America. As to the payment of taxes by produce, or purchases of army supplies remote from the place of actual use, he pointed to waste and cost of transportation as sources of burdens in the form of additional requisitions. Rhode Island, though deprived of the profitable market for produce that had prevailed during the French occupation and had brought about an immediate prosperity, and of the gold and silver coin placed in circulation through French purchases, and facing a serious economic situation because of the diversion of so much hard money from the state, took up courageously the task of raising the taxes requested by Congress, and recruiting and outfitting the soldiers needed to maintain the continental battalion. The opening of a controversy that was to persist until the ratification of the Constitution appeared in a letter written by Governor Greene to Robert Morris in October, 1781, which included the following: "With respect to the impost of five per cent. recommended by Congress to be laid upon all imports and exports, at present we are unable to determine upon the utility of that measure, and the revenue arising therefrom, within this state, would not be worth collecting. We shall wait until our sister states have adopted the same, and whatever is for the advantage of the union we shall cheerfully accede to it." In later discussion of the proposed impost Rhode Island was to object for the reason that the tax would impose an extra burden upon it as a commercial state.‡

**WARTIME LOSSES**—Taxes of £12,000, payable in gold or silver, to replenish the general treasury; of £6000, payable in gold and silver, and of £6000, payable in produce, both for the continental treasury, were ordered in January, 1782. The second continental tax was levied in gold or silver, instead of produce, in February, because Robert Morris insisted that continental taxes must be transmitted in specie. A third continental tax of £12,000, payable in gold or silver, was ordered in June. Rhode Island was making a courageous effort to comply with every request made by Congress, and to coöperate with Robert Morris in his plans for placing continental finances on a sound money basis. Morris was adamant in refusing commutation of continental levies. Persuaded by him, Congress asked the states for men and money only; Morris requested the states not to offset continental taxes in any way, even by paying soldiers' wages, but to send all money due the continental treasury directly with the purpose of simplifying accounting and assuring economy in handling money. He complained in July that of \$4,000,000 requested by Congress for the year only \$40,000 had actually been paid by the states. At the end of the year four states had paid nothing into the continental treasury; the combined payments of nine states amounted to \$422,162. Rhode Island's apportionment had been \$216,000; of this \$80,000 had been taxed, and \$37,785 had been paid into the continental treasury. Withal Rhode Island's payment on its quota had been better by twenty per cent. than that made by any other state. When, in 1783, Edward Chinn of New York and Ebenezer Thompson made a joint examination of accounts betwixt the state and the confederation, Rhode Island was credited with having overpaid nearly \$500,000 on obligations chargeable to the continental treasury. The destruction of property, counting other towns than Newport, during the British occupation had amounted to \$500,000. Without estimating losses to commerce, interrupted and suspended over a period of seven years, the war

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‡Chapter XIV.

had cost Rhode Island \$1,000,000 in excess of a fair share of the total expenditure. The limit of taxation had been reached in 1782; the approach to exhaustion of tax resources was indicated through 1781 and 1782 by the difficulty of enforcing collection of taxes, even by resort to committing town treasurers to jail, and distraint and prosecution in many instances. The General Assembly was constrained from time to time to release treasurers from jail, and to set forward the date for closing town accounts with the general treasury and paying taxes. Early in 1782 the general treasury was so completely stripped of money that orders of the General Assembly on the Treasurer were for issuing promissory notes bearing interest rather than for payment in cash. The state debt was mounting rapidly and the General Assembly recognized the futility of ordering taxes that could not be collected. The tax laws were revised in such manner as to levy land taxes on tenants first, with recourse ultimately to the land itself; and separate lists of taxes on real estate and personal property were ordered. Recourse to an excise on imports, with specific and ad valorem duties, was taken at the February session, 1783.

**AGRARIAN UNREST**—Meanwhile there had been riotous resistance to the collection of taxes in Gloucester, which Deputy Governor Bowen suppressed by arresting the ringleaders. Discontent beyond the borders of Rhode Island was indicated by a petition by residents of Wrentham, Franklin, Bellingham, Mendon, Uxbridge and Douglas to the Rhode Island General Assembly in 1782, requesting that Rhode Island assume jurisdiction in so much of these towns as lay south of the "true" southern line of Massachusetts. In June Rhode Island instructed her delegates in Congress that Rhode Island claimed the boundaries established by the Charter. In the winter of 1782-1783 the discontent in Massachusetts had developed into a movement to overturn the government and particularly to resist taxes. Connecticut border towns became involved, and a meeting was held at Killingly to further revolution against the government at Hartford. A convention for a similar purpose, with more than a dozen towns represented, met in Massachusetts. Taxes had become anathema, and the conspirators were willing to destroy government in order to avoid further taxation. Armed bands from Massachusetts invaded Rhode Island to obstruct officers employed in collecting taxes and to rescue persons who had been arrested for failure to pay.

The General Assembly ordered the Governor, in February, 1783, to write to Governor Hancock of Massachusetts, "and acquaint him with the disorderly and riotous behavior of sundry of the inhabitants of Uxbridge, Douglas, Dudley and other towns within the jurisdiction of that commonwealth, in coming into this state and violently rescuing certain prisoners from the civil authority while they were on trial, charged with the rescue of some cattle out of the possession of the collector of taxes; that he also inform . . . . Governor Hancock of the unlawful assemblies which are frequently had of sundry disaffected and evil-minded persons living in the towns aforesaid, the towns in this state and the state of Connecticut adjacent to said towns, for the purpose of obstructing the collection of taxes and impeding the exercise of civil government in the said states, respectively." In Rhode Island Deputy Governor Bowen acted promptly and vigorously, and caused the arrest of "a considerable number of the most flagrant offenders"; the General Assembly approved this action and complimented the Deputy Governor for his "prudent, wise and vigorous exertions," and ordered the Attorney General "to make strict inquiry" and to "indict and prosecute." Thirteen of the Rhode Island malcontents, lodged in jail, in a petition to the General Assembly, confessed "that they had been acting in a riotous and illegal manner," and represented "that they are truly sensible of their error and fully determined to behave in future as peaceable and obedient citizens," and prayed "to be forgiven and restored to the favor of their country"; two of those were accepted as state's evidence against the others, who were fined and imprisoned. The occasion called for vigorous and summary action, and stringent measures to avert an insurrection were justi-

fied; but it illustrated definitely the danger threatening the United States at the end of the Revolution because of the dissatisfaction involved in economic exhaustion.

A census taken in 1782 showed a total population of 51,913 for all towns except New Shoreham. Block Island, like Long Island, was still considered as held by the enemy. The total population in 1774\* was 59,707; excluding Block Island from both enumerations, that is, deducting 575 from the census of 1774, there had been a loss of population of 7219 in eight years. Of white population, men of military age were 2510 less in number than women of corresponding age, these figures reflecting the wartime losses of men. The natural tendency to balance the distribution of population by sex was indicated in the excess of 442 boys over girls under 16 years of age. Newport was yet the most populous town, with 5532 inhabitants; the town had suffered a net loss of 4677 people during the war. Providence, the second town, with 4312, had been at a standstill, with a net loss of nine in eight years. Besides the war waste of man power through casualties and disease, Rhode Island had lost population by migration, particularly of merchants and sympathizers with the British. There were some indications of a revival as early as 1782. Many who had gone from the state during the war returned and requested restoration of civil and political rights, including some merchants. Rhode Island College, in May, requested return of the college edifice, which had been used as barracks and hospital, and the removal from the college yard of buildings constructed during the French occupation. Commencement exercises were conducted in September, with a small graduating class.

The General Assembly met eight times in 1782, at Providence, in January, February, September and October; at Newport, in May and June; at South Kingstown, in August; and at East Greenwich, in November. The Governor and Deputy Governor were reelected. Ezekiel Cornell was reelected a delegate to Congress, with three new colleagues, John Collins, David Howell, and Jonathan Arnold, of whom the last two were to play a most significant part in the debates in Congress preceding the adoption of the Constitution.<sup>†</sup> A statute forbidding counterfeiting bank bills was enacted, to protect the new currency of the Bank of North America, founded under the leadership of Robert Morris. Congress was requested to make provision for retiring all unredeemed continental bills of the old series; and continental bills of the new series were declared to be legal tender no longer. Rhode Island finances were on a strictly hard money basis, but Rhode Island had no money.

**AFTER YORKTOWN**—The Rhode Island battalion in the Yorktown campaign lost 106 men, killed in action, or dead from wounds or disease; the last was the most prolific cause of decease, smallpox, camp diseases and malignant fevers carrying off many on the march northward after Cornwallis had surrendered. Others were seriously incapacitated by sickness or wounds, and the battalion was reduced to less than two-thirds its normal strength. To fill up the ranks to 681 men, 259 were needed, and these were ordered enlisted in February, 1782. Quotas of soldiers were assigned to towns, with shares also in the provision of 3626 yards of white tow cloth for uniforms and 518 pairs of stockings. The General Assembly ordered 259 knapsacks and 180 leather caps. Enlistments were obtained with difficulty, because soldiers were not paid regularly and the people generally believed that the war was practically over with the victory at Yorktown. In August 200 men were called for to serve three years, to fill up the battalion losses by expiration of enlistment. Washington, in December, notified Governor Greene that unless 200 men were enlisted to raise the battalion to not less than 500 effective soldiers, some of the officers must be discharged. The Governor was directed by the General Assembly to answer "that, from the present prospect of a speedy termination of the war, this legislature is induced to postpone the raising of any recruits for the regiment at present; but if the event should turn out contrary to the general expectation, and the negotia-

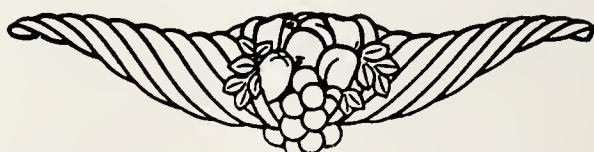
\*The pre-war census of 1774 is used for comparison instead of the census of 1776.

<sup>†</sup>See Chapter XIV.

tions in Europe for a general peace should prove unsuccessful; this state will immediately take measures for recruiting their regiment." A garrison of militia was maintained at Newport through the year of 1782, but there was no military activity. In April Washington requested that the fortifications in Rhode Island be demolished, lest they be occupied by the British. The powder mill was sold in August. The Governor called a special meeting of members of the Assembly on September 19, because of a report that a British fleet was moving eastward; preparations for defence were made, and cannon were removed from Butt's Hill to Providence. The alarm was needless; the British returned to New York. Negotiations for peace were in progress. Parliament had denounced the war and proclaimed advocates of it public enemies. Carleton arrived in May, 1782, with offers of "peace and truce," which were rejected because they did not include independence. The signing of a preliminary treaty was announced in March, 1783. Congress announced the armistice, preceding the signing of a definitive treaty, on April 11. Two weeks later, following publication of news of the armistice, celebrations were conducted in Rhode Island, including extensive programs in Newport and Providence. Restrictions on intercourse with Block Island were repealed, and the freemen on the island were empowered to choose Deputies to represent them in the General Assembly. The laws forbidding trade with Great Britain and other parts of the empire were repealed.

Washington took leave of the northern army, and Nathanael Greene of the southern army. The latter returned home to Rhode Island, greeted everywhere along the route as a military genius who had saved four states for the union. Washington returned home to Virginia to seek rest at Mount Vernon.

**PEACE PRONOUNCED**—The "Providence Gazette," on December 2, published a special edition to announce the arrival in Rhode Island, direct from London to Narragansett Bay, of a copy of the treaty of peace, which recognized the independence of Rhode Island. Rhode Island had declared independence on May 4, 1776; England had been compelled to acknowledge that Rhode Island was right. In the thankfulness of victory the travail and pains of seven years of war were forgotten, and Rhode Island looked forward to the future, firm in the faith that Hope strengthens.



## CHAPTER XIV. RHODE ISLAND AND THE UNION.



RHODE ISLAND was not admitted to the earliest American union, the New England Confederacy of 1643, because of the jealousy of contiguous commonwealths and Rhode Island's staunch maintenance of religious liberty.\* It was fortunate that the altogether new and novel type of democracy in process of development in the Narragansett Bay country was thus saved for mankind; had Rhode Island been accepted and, perhaps, absorbed by the confederacy, liberty of conscience might have been strangled by the narrowness that perverted Puritanism in America. Rhode Island was not represented in the intercolonial conference at Albany during King William's War;† the invitation to send delegates was received in Rhode Island on the day set for the meeting. Stephen Hopkins and Martin Howard, Jr., represented Rhode Island at the intercolonial conference at Albany in 1754,‡ which approved Franklin's plan for a union of the colonies for mutual defence against French and Indians. Franklin reported from committee a project for an intercolonial delegate assembly, to meet annually, with powers to enact laws, raise and support armies, levy taxes, appoint officers, and manage Indian affairs. Eventually the Franklin plan found favor neither with Great Britain, which foresaw in the union too much strength in the American colonies, nor with the colonies, which were jealous of their own powers and feared to yield them to federal agents. The Franklin plan had in it the germs of the federal system that was to arise under the Constitution of the United States; America was not ready for union in 1754, and a federal plan lay beyond the horizon of most Americans. The Rhode Island delegates reported favorably upon the Franklin plan, and Stephen Hopkins, when his political enemies attempted to use his advocacy of the union as an argument to destroy him politically, published a pamphlet explaining and defending its provisions. The pamphlet was one of several written by Hopkins that identify him as a political genius—perhaps, statesman. The General Assembly, alert because of past experiences and relations with jealous neighbors and the mother country, warned the colonial agent in London “to be upon his watch, and if anything shall be moved in Parliament respecting the plan for a union of his majesty's northern colonies, projected at Albany, which may have a tendency to infringe on our chartered privileges, that he use his utmost endeavors to get it put off, until such time as the government is furnished with a copy, and have opportunity of making answer thereunto.” Rhode Island in 1754 was definitely opposed to the union of the federal type proposed by the Albany conference.

Metcalfe Bowler and Henry Ward represented Rhode Island at the Stamp Act Congress, which met at New York, October 7, 1765.§ The attitude of the Stamp Act Congress was remonstrative rather than constructive; its most important result was a demonstration of unanimous, if not united, opposition to Lord Grenville's American policy. The appointment of a royal commission to investigate the burning of the “Gaspee” precipitated a round of resolutions of protest against this extraordinary inquisition; in sending a copy of Rhode Island resolutions to other colonial legislatures, Metcalfe Bowler, Speaker of the Rhode Island House of Deputies, declared that the House was “persuaded that nothing less than a firm and close union of the colonies in the most spirited, prudent and consistent measures can defeat the designs of those who are aiming to deprive them of their inestimable rights and privileges.” This was an unofficial statement interpreting the attitude of the Rhode Island General Assem-

\*Chapter V.

†Chapter VIII.

‡Chapters VIII and XI.

§Chapter V.

bly as favoring union for defence; it was followed shortly by an official declaration, the first in America, by the town meeting in Providence, which, on May 17, 1774, proposed "a congress as soon as may be, of the representatives of the general assemblies of the several colonies and provinces of North America, for establishing the firmest union."

**CONTINENTAL CONGRESS**—In June, anticipating the calling of a congress and the naming of a time and place for meeting, the Rhode Island General Assembly elected Stephen Hopkins and Samuel Ward as the first delegates to the Continental Congress, which met in Philadelphia, September 5, 1774. The General Assembly also declared "that it is the opinion of this Assembly that a firm and inviolable union of all the colonies, in counsels and measures, is absolutely necessary for the preservation of their rights and liberties." The delegates were instructed to "endeavor to procure a regular annual convention of representatives from all the colonies, to consider a proper means for the preservation of the rights and liberties of the colonies." Rhode Island, in 1774, though thoroughly convinced of the urgent necessity of concerted action and union in "counsel and measures," was far away from the federal plan outlined at Albany in 1754. The colony was consistent; it desired a union in "counsel and measures" as the means whereby to assure the independence for the preservation of which it was zealous.

Stephen Hopkins and Samuel Ward were Rhode Island's delegates to the second Continental Congress, which met at Philadelphia on May 10, 1775. The proceedings were secret. This Congress assumed direction of the war already underway; both Hopkins and Ward were influential members and each was appointed on several of the important committees through which Congress acted, there being no executive. Samuel Ward died March 25, 1776.

Stephen Hopkins and William Ellery were elected delegates to Congress with other colony officers at the May meeting of the General Assembly in 1776. Their instructions included this significant declaration: "You are also authorized and empowered to consult and advise with the delegates of the said colonies upon the most proper measures for promoting and confirming the strictest union and confederation between the said United Colonies, for exerting their whole strength and force to annoy the common enemy, and to secure to the said colonies their rights and liberties, both civil and religious . . . and . . . to enter into and adopt such measures, taking the greatest care to secure to this colony, in the strongest and most perfect manner, its present established form and all the powers of government so far as relate to its internal police and conduct of our own affairs, civil and religious." The limitation upon the authority of Rhode Island's delegates to bind the colony to any measure that interfered with colony sovereignty was on all fours with the instructions to the colony agent in 1754 "to be on his watch" for anything "which may have a tendency to infringe on our chartered privileges." William Bradford was elected to Congress in October, 1776, probably to relieve Stephen Hopkins, whom the Assembly thanked for "his good services" and requested "to attend the business in Congress as soon as he can conveniently leave his family." Bradford declined, and Henry Marchant was elected delegate by the Assembly at the February session, 1777. He did not take his seat in Congress, however. Beginning in 1777, delegates to Congress were elected by the people annually with the Governor, Deputy Governor and Assistants, instead of by the General Assembly. The change was significant of the development (1) of an idea of permanency in the Congress, since the statutory provision for annual popular election reached beyond the appointment of delegates to an occasional conference, which might be left to the Assembly; (2) of a relation between the people of the state and Congress that would not admit the intervention of the General Assembly as an electing body; and (3) of the actual existence of a union of the states, (a) permanent through a continuing Congress, and (b) popular because of a direct relation with the people. Popular election of Congressmen was the first clear manifestation of nation-mindedness no longer satisfied through action exclusively by states. It came as a modification of the polity of Rhode Island which took place as natu-

rally as the separation of the General Assembly into two houses because of a recognition of diversity of town and whole colony interest, and the invention of proxy voting in general elections through town election meetings to make possible and practicable the plan for popular election roughly outlined in the Charter. Rhode Island had been developing, perhaps unconsciously, a consciousness of union paralleling the course of events moving steadily, inevitably and irrevocably toward solidarity in the United States of America. The delegates elected in May, 1777, and thereafter, received commissions from the Governor instead of instructions from the General Assembly, except upon matters that required Assembly ratification. Stephen Hopkins, William Ellery and Henry Marchant were the first delegates to Congress elected by the people. They were reelected in 1778 and 1779. John Collins was also elected in 1778 and 1779. The Declaration of Independence of the United States of America was the work of the representatives of a people united in a common enterprise but not bound together by any formal agreement or contract.

**ARTICLES OF CONFEDERATION**—Congress, on November 15, 1777, adopted, and two days later presented to the states for ratification “Articles of Confederation and Perpetual Union,” to become effective and binding when approved by unanimous action of the states. In a letter accompanying the Articles of Confederation, Congress, which had had the matter under consideration since June of the preceding year, declared: “To form a permanent union, accommodated to the opinions and wishes of the delegates of so many states differing in habits, produce, commerce and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish. Hardly is it to be expected that any plan, in the variety of provisions essential to every union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked that after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all, and as that alone which affords any tolerable prospect of general ratification. . . . This salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty and safety, and blessings which, from the justness of our cause, and the favor of our Almighty Creator, visibly manifested in our protection, we have reason to expect if, in a humble dependence on His divine providence, we strenuously exert the means which are placed in our power.”

The Rhode Island General Assembly instructed its delegates “to accede to and sign the said Articles of Confederation and Perpetual Union in such solemn form and manner as Congress shall think best adapted to a transaction so important to the present and future generations; provided that the same be acceded to by eight of the other states.” The General Assembly also suggested amendments to the proposed articles, and instructed the delegates to endeavor to have amendments adopted and incorporated, but directed the delegates to sign, even if the amendments were not approved by Congress.\* Rhode Island thus was first to ratify the Articles of Confederation; the Rhode Island delegation signed the engrossed parchment carrying the full text on July 9, 1778, with delegates from the other New England states, New York, Pennsylvania, South Carolina and Virginia. The Articles of Confederation did not become effective until Maryland made the ratification unanimous on March 1, 1781. Rhode Island’s propositions for amendment suggested representation by one delegate instead of the minimum of two stipulated, adjustment of taxes by estimates made at least once in five years, and surrender of state interests in public lands to the Confederation for the benefit of all. The second article preserved the sovereignty that Rhode Island had been unwilling to relinquish, thus: “Each state retains its sovereignty, freedom, independence, and every

\*Chapter XIII.

power, jurisdiction and right which is not, by this confederation, expressly delegated to the United States, in Congress assembled." This proposition is somewhat similar to the Tenth Amendment to the Constitution, which was insisted upon later by Rhode Island before ratification, thus: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people." The difficulties besetting Congress under the Articles of Confederation arose from insufficient grant of power in the articles. It was unfortunate, perhaps, for Rhode Island and the United States, that Stephen Hopkins, though elected to Congress from 1775 to 1779, did not attend the sessions after September, 1776. Through his ability and influence it is possible that the agreement for union proposed by Congress in 1777 might have approached nearer to a federal plan of the type to which Hopkins had given his support in 1754; and that Congress might have been entrusted with adequate functions.

**THE FLAG OF RHODE ISLAND**—There was a sentiment for union in Rhode Island; it was manifested not only in the resolutions adopted as early as 1774, but also in the first flag of Rhode Island. The latter is impressive in its symbolism. It carries a union of thirteen white stars on a canton of blue, needing only additional stars to produce the galaxy of forty-eight in the Star-Spangled Banner. It represents an orderly union of independent, sovereign states, and symbolizes unmistakably the Rhode Island idea, which was adopted in the Federal Constitution. It is exactly the indissoluble union of indestructible states dear to the hearts of Americans. Hanging in the rotunda of the State House in Providence, to the right of the southern entrance, are two Rhode Island flags that were carried by Rhode Island regiments in the Revolutionary War. One is that of the First Rhode Island Continental Infantry. It is a white silk flag fifty-one inches wide and forty-five inches long, but fringed and torn in such manner as to indicate that probably it was longer. In the field it carries the Anchor of Hope, the emblem of Rhode Island, in blue over a scroll, upon which is painted "R. Island Reg't." In the upper corner, next to the staff, is a union or canton of blue, on which are painted thirteen white five-pointed stars, arranged in parallel lines, alternately three and two, in a design suggesting a diagonal cross imposed upon a perpendicular-horizontal cross, indicating a thoroughly organized interrelation. Indeed, the arrangement of the stars on the Rhode Island flag is the most perfect that could be devised to display a thorough integration without the dissolution of identity. It has been likened to the combination of the crosses of St. George, St. Andrew, and St. Patrick in the British ensign, to indicate the close union of England, Scotland and Ireland. The blue of the union in the Rhode Island flag has so faded with the passing of a century and a half that it appears to be a very light blue now; probably it was of a much deeper blue color in 1775. While no authentic record has been found to establish the time when this flag was made or when it first came into possession of the First Rhode Island Continental Infantry, there is good reason for believing that it was carried from Rhode Island by the "army of observation" when it marched in 1775 to join the Continental army gathering about Boston to besiege the British army. It entered Boston, when Greene led the Rhode Island Brigade into the town after the evacuation by the British. It was on the field of battle at Long Island, Harlem, White Plains, Trenton, Princeton, Brandywine, Germantown, Monmouth, Rhode Island and Yorktown. It is consistent with the facts that General Greene's Rhode Island Brigade was the best disciplined, best armed, best equipped and most soldierly in the American army around Boston that the brigade should carry a flag with other equipment so excellent and complete in detail that it attracted attention to the Rhode Island troops. Samuel Abbott, in his "Dramatic Story of Old Glory," mentioned the Rhode Island flag as one of the banners carried by the continental troops before Washington unfurled the Grand Union flag at Cambridge on January 1, 1776; as did also Peleg D. Harrison in "The Stars and Stripes and Other American Flags." The Rhode Island flag was carried through the war. Of it the "Geographic Magazine" said: "Fashioned from white silk with



I. English Ensign  
1707



II. Grand Union  
Flag, 1776



III. Rhode Island  
Flag, 1775



IV. Stars and  
Stripes, 1777

HOW RHODE ISLAND PUT THE STARS IN THE STAR SPANGLED  
BANNER



thirteen stars on a canton of blue, and showing a blue anchor surmounted by the motto of the state, Hope, on the center of the field, this regimental banner of Rhode Island easily takes rank as an attractive flag; nor is it lacking in interesting historic associations. Carried safely through the intense struggle of Brandywine, at Trenton, and at Yorktown, it now rests in the State House at Providence, mute witness to the heroism of those who bore it to final victory." "The Rhode Island flag was the most beautiful and perhaps the most characteristic colonial flag or banner," wrote Colonel H. S. Kerrick in "The Flag of the United States: Your Flag and Mine." "It is sometimes called the 'Hope' flag. The thirteen stars, white on a blue field, arranged quincuncial in outline of the Cross of St. George and St. Andrew, was the first representation of stars in a flag. This no doubt influenced the design of the union of our first Stars and Stripes flag. . . . The canton of the Rhode Island colonial flag later became the union and canton of the United States navy boat flag." The other flag, hanging in the State House beside the flag of the First Rhode Island, is that carried by the Second Rhode Island Continental Infantry. This flag is of white silk, ninety inches long and sixty-five inches wide. In the field is a blue anchor with a piece of rope twining about it, and a scroll above containing the word "Hope," the motto of Rhode Island. The union is of blue, probably faded, for it is now light blue, with thirteen gilt stars bordered with dark blue. The arrangement of stars is similar to that on the flag of the First Rhode Island Regiment. Again, there is no authentic record of the origin of this flag, but it is probably the flag carried by Colonel Lippitt's Rhode Island Regiment, which joined Washington's army in time to see, but not to participate in, the battle of White Plains. It was with Washington's army in the retreat across New Jersey, at the battles of Trenton and Princeton, at Red Bank, the Brandywine, Valley Forge and Monmouth. It was on the field at the battle of Rhode Island, at Springfield and at Yorktown. When the Rhode Island regiments were consolidated, the two flags remained with Olney's battalion, and at the close of the Revolutionary War were presented by the officers of the line to the General Assembly to remain in the custody of the state. The flag of the Second Rhode Island Continental Infantry was carried by the Second Rhode Island Regiment as a regimental banner early in the Civil War, and was on the field at Bull Run. It is significant that both Rhode Island flags carried, besides the arms of the state, the blue canton with thirteen white stars, signifying the union of American States. There is reason to believe that from these Rhode Island flags was taken the design for the union in the Stars and Stripes, and that Rhode Island thus "put the Stars in the Star-Spangled Banner."

The continental army besieging Boston carried a motley array of flags and banners: The white flag of Rhode Island, the Pine Tree flag of Massachusetts, the vari-colored flags of Connecticut with the motto "Qui transtulit sustinet," the black beaver of New York on a field of white, the rattlesnake flags of the South, among others. Washington opened the new year of 1776 by unfurling at headquarters in Cambridge the Grand Union flag, with thirteen alternate stripes of red and white in the field, and a canton containing the crosses of St. George and St. Andrew. Esek Hopkins flew the same flag from his fleet when the United States navy made its first cruise to New Providence, besides the Rattlesnake flag presented to the Admiral by Gadsden. A flag of the Grand Union type could be made easily by taking an English red ensign and painting or sewing six white stripes across the red field to indicate by alternate red and white stripes the thirteen colonies and their estrangement from the mother country. Of the stripes Washington said: "We take the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty." As the revolution progressed, particularly after the Declaration of Independence, the flag needed further remodelling; it was inconsistent to carry the symbol of British and Scotch union, the combined crosses of St. George and St. Andrew, on the flag of a new nation. What could replace the Union Jack more appropriately than a symbol of the new American union? The design was at hand, the

union of thirteen white stars in the flag of Rhode Island. Just when and where the substitution first was made no record shows. The resolution in Congress adopting the Stars and Stripes was reported by the marine committee,\* it is probable that the completed design originated in the navy, and was suggested by Esek Hopkins of Rhode Island, Commander-in-Chief. The earliest known Star-Spangled Banner that has been preserved, the flag carried on the "Bon Homme Richard" in the naval battle with the "Serapis," shows an arrangement of stars similar to that in the Rhode Island flag. A picture of an early American flag printed in the "Historical Genealogical Calendar or Chronicle of the Most Memorable Transactions in the New World," published at Leipsic in 1784, shows the same arrangement. It is true that Trumbull invariably painted the American flag in his pictures with the thirteen stars in a circle, but Trumbull was guilty of anachronism in painting the Stars and Stripes in pictures illustrating events preceding the Declaration of Independence, and might be as much in error in the design as in chronology. These facts remain for explanation of any other origin of the flag, including the childish story of Betsy Ross cutting a five-pointed star as a substitute for the six-pointed star said to have been chosen by the committee of Congressmen. The Rhode Island stars are five-pointed; the Rhode Island flags and the Rhode Island canton were familiar before the adoption of Old Glory, and the transfer of the Rhode Island canton of thirteen stars on the field of blue to the place previously occupied by the Union Jack is the simplest explanation of the origin of Old Glory. Telfair Minton, an industrious research student of the history of the flag, writes of a book in preparation: "I intend to show in my story the positive connection of our flag with the flag of the Rhode Island Brigade of 1775. . . . I am thoroughly convinced that the flag of the Rhode Island Brigade is responsible for the stars in the blue field of our flag of today. It is significant that the boat ensign of the United States navy, until five years ago, contained the same arrangement of stars on the blue field as contained in the flag of the Rhode Island Brigade of 1775. This shows positively that the flag of the Rhode Island Brigade was taken into consideration on the adoption of the Stars and Stripes as far as the stars were concerned." Louis Bancroft Runk, in "The Birth of Our Flag and Flag Etiquette," says: "Nearly a year elapsed after the Declaration of Independence before the crosses of St. George and St. Andrew in the Cambridge flag, which typified the mother country, were discarded. In strictness these crosses should not have been used at all after July 4, 1776. In June, 1777, its marine committee had made a report to Congress, then sitting in Philadelphia, on several naval matters, and in their report appears these words: 'Resolved, that the flag of the Thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.' *The idea of the stars and their grouping probably came from the colonial banner of Rhode Island.*" The Rhode Island flag no longer carries the canton of blue with white stars; it gave that to Old Glory. Instead, a circle of golden stars surrounds the anchor on the beautiful white Rhode Island flag of the twentieth century. Aside from the almost certainty that Rhode Island "put the stars in the Star-Spangled Banner," it is significant that that beautiful flag still carries in the canton the symbolic presentation of an indissoluble union of indestructible states, the Rhode Island idea from the beginning of the movement to bring about "the firmest union possible."

PROGRESS OF THE REVOLUTION—The revolution in Rhode Island had been accomplished (1) by repealing the statute establishing procedure for taking appeals from the courts of Rhode Island to the courts of England; (2) by repealing a statute securing the enforcement in Rhode Island of certain English statutes, and (3) by refusing to permit any public officer to administer the engagement for office to Governor Wanton, who had received a majority of the proxies for reëlection as Governor. Except that there was no precedent for refusing to

\*Rhode Island was represented on the Marine Committee consecutively by Stephen Hopkins, William Ellery, and Henry Marchant.

permit a Governor-elect to qualify, the assumption of authority to determine eligibility for office was not novel; if it were necessary that the General Assembly should enact the two statutes to establish jurisdiction and to give effect to English statutes, or if the General Assembly had power to enact the two statutes, then the General Assembly had power to repeal them. If the right to appeal to English courts or the enforcement of English statutes depended upon action by the Rhode Island General Assembly, Rhode Island was sovereign before May 4, 1776. This, indeed, was the opinion maintained by Stephen Hopkins when he declared that the British Parliament had no more power than the Mohawks to legislate for Rhode Island, and the position which he reached in the argument in "The Rights of Colonies Examined."\* The General Assembly continued, on and after May 4, 1776, without interval and without interruption, to exercise the legislative powers that appertain to sovereign states. *De jure*, the revolution in Rhode Island had been accomplished by resolution; *de facto*, it was established by force of arms. There was no change of government, however; the government in Rhode Island had declared its independence and established it.

The Declaration of Independence of July 4, 1776, was adopted by a congress of delegates representing twelve English colonies, and Rhode Island and Providence Plantations, a sovereign state, which last had repudiated colonial status by action of its legislature. Congress was solicitous that the Declaration should be ratified by each and every one of its constituents, and requested that, besides ratifying it, each of the new states should spread a copy of the Declaration of Independence upon its legislative records and thus make the Declaration its own. The new states were thus placed in the position of declaring independence, and Congress became an assembly of delegates representing states rather than colonies. The situation was far from satisfactory, notwithstanding the Declaration of Independence; Congress was still exercising powers that it had assumed as agent for states, which, as a matter of fact and law, had not granted Congress powers and had not bound themselves by any agreement or action beyond sending delegates. The borrowing power of Congress was ineffective under the circumstances; issues of paper money depreciated almost immediately because it was understood clearly that Congress had no power to guarantee redemption. European countries were not interested in loaning money under the circumstances. Some form of union more definite was absolutely essential and necessary. "Articles of Confederation and Perpetual Union" were proposed by Congress in 1777 as a contract whereby to bind the states. When these had been ratified unanimously in 1781, they became a Constitution for the United States of America. Perhaps the words "United States" should be written and printed without capitals, as they were in the Articles of Confederation, for the latter set up merely a union for defence and promotion of the general welfare of thirteen states that still maintained independence of each other in all but the bare minima of functions entrusted to the Congress.

The Articles of Confederation opened with a declaration that each state retained "its sovereignty, freedom and independence, and every power, jurisdiction and right" not "expressly delegated to the united states in congress assembled." The states entered "into a firm league of friendship with each other, for the common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade or any other pretence whatever." Comity between states was assured on the basis of granting to "the free inhabitants of each of the states . . . . all the privileges and immunities of free citizens in the several states . . . . free ingress and regress to and from any other state . . . . all the privileges of trade and commerce," and requiring that "full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state." Extradition for treason, felony or other high misdemeanors was granted. The Congress consisted of delegates to be "annually appointed in such manner

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\*Chapter XI.

as the legislature of each state shall direct, to meet in congress on the first Monday in November in every year." The states reserved the right to recall and replace delegates within the year. States must be represented by not less than two nor more than seven delegates; no person was "capable of being a delegate for more than three years in any term of six years." Delegates could not hold any office under the United States carrying "salary, fees or emoluments of any kind." Each state was required to maintain its own delegates; and each state was entitled to one vote in determining questions before Congress. Treaty making and war powers were reserved to Congress. Charges of war and all other expenses incurred for the common defence or general welfare and allowed by Congress were to be "defrayed out of a common treasury" to be "supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled shall from time to time direct." Taxes were to be "laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled." Congress was the last resort on appeal for settling boundary disputes between states, and controversies arising concerning the "right of soil claimed under different grants of two or more states." Congress had power also "to regulate alloy and value of coin," fix weights and measures, regulate trade with the Indian tribes, establish and regulate post offices, appoint military officers, except regimental officers, and to appoint naval officers. All important functions were to be exercised by vote of nine states in Congress. Canada could be admitted to the Confederation by ratifying the Articles, but no other state than the original thirteen except by the agreement of nine states. Amendments could be made only by unanimous action. The outstanding faults of the Articles of Confederation were recognized almost immediately, among them that Congress had no power to obtain a revenue except through action by the states; and that Congress had no power to make its own functions effective by coercing a state or otherwise. Amendments purposing to correct these deficiencies were offered in 1781, but both failed of adoption. Rhode Island interposed vigorous opposition to an amendment that would permit Congress to levy an impost, although twelve states had been persuaded to ratify it; eventually one after another of the states withdrew ratification, and the proposition was abandoned. The measure intended to establish coercion was merged in a movement for general revision that spent itself without action.

Of the Rhode Island delegates elected in 1778 and 1779, only John Collins was reëlected in 1780. With him were Daniel Mowry and James M. Varnum, elected by the people, and Ezekiel Cornell, elected by the General Assembly, the people not having cast a majority vote for any of three candidates. The General Assembly adopted resolutions thanking William Ellery and Henry Marchant for their services in Congress; that Stephen Hopkins was not mentioned in the resolutions of thanks may be explained as due to the failure of Hopkins to attend any session of Congress after 1776. Varnum, who was attending, reported, in January, 1781, that Virginia had ceded all claim to land west of the Ohio River to the Confederation, and that Maryland had ratified the Articles. Congress almost immediately took action to strengthen the government by appointing officers corresponding in the organization under the Constitution to the Secretary of State, Secretary of War and Secretary of the Treasury. There was promise of improvement, in this development of an executive secretariat to replace the cumbersome committee system.

**VARNUM FORETELLS CONSTITUTIONAL CONVENTION**—But Varnum was keen in analyzing the situation and noting the weakness of Congress, and almost prophetic in foretelling the process whereby the Congress of the Confederation would be superseded, and the Articles of Confederation entirely reconstructed by a body other than Congress, in which there was too much inertia, Varnum believed, to permit it to arise to an opportunity. Varnum's letter to Governor Greene under date of April 2, 1781, was most remarkable. Perhaps it was his tem-

perament, which could not brook inactivity; a capable general officer, and a gallant soldier, hero of many a hard-fought battlefield, he had resigned from the army twice because he was dissatisfied. He found Congress far from being what it should be in his estimation, partly by reason of want of power and partly by reason of failure to exercise efficiently the functions committed to it. He predicted the Constitutional Convention of 1787 six years before it assembled as the "one eligible resort in the power of the United States" for relief from an almost intolerable situation. An extract from the Varnum letter of April 2, 1781, follows:

There are two obstacles to that energy and vigor which are absolutely necessary to the United States. In the first place, the United States have not vested Congress, or any other body, with the power of calling out effectually the resources of each state. The Articles of Confederation give only the power of apportioning. Compliance in the respective states is generally slow, and in many instances does not take place. The consequence is disappointment, and may be fatal. In the second place, an extreme, though perhaps well-meant jealousy in many members of Congress, especially those of long standing, seems to frustrate every attempt to introduce a more efficacious system. Prudent caution against the abuse of power is very requisite for supporting the principles of republican government; but when that caution is carried too far, the event may, and probably will, prove alarming. We have experienced a recent instance of political diffidence. Mr. Robert Morris of this city has been chosen Financier. Previous to his final acceptance he insisted upon the power of removing from office all persons entrusted with the expenditure of the public money, for abuse, fraud, etc., without being answerable, except to the party injured, in the courts of law. Without that authority he despaired of introducing economy, so essentially important at this critical situation. A majority decided against the proposition. The consequence is we are replunged into an old situation, so agreeable to some gentlemen, and I fear shall not be able to effect a reformation in point of revenue and expenditure, which sometime since many of us hoped and firmly expected. . . . My duty, or a mistaken idea of it, obliges me to hazard a conjecture that the time is not far distant when the present American Congress will be dissolved, or laid aside as useless, unless a change of measures shall render their authority more respectable. Our time is consumed in testing executive business, while objects of the greatest magnitude are postponed, or rejected as subversive in their nature of democratical liberty. If political and civil liberty can be enjoyed amidst the din of arms, in their utmost Platonic extent, I confess my own ideas are perfectly wrong; but if the kind of government sufficiently energetic to obtain the objects of peace when free from invasion, is too feeble to raise and support armies, fight battles and obtain complete victory, I know of but one eligible resort in the power of the United States; that is, to form a convention, not composed of members of Congress, especially those whose political sentiments have become interwoven with their habits for a long train of thinking in the same way. It should be the business of this convention to revise and reform the Articles of Confederation, to define the aggregate powers of the United States in Congress assembled, fix the executive departments, and ascertain their authorities. Many other matters subservient to the general idea would come before them, and their powers should be extensive in point of ratification. But the system to be by them adopted should expire at a given or limited time.

In the last suggestion Varnum showed an inclination to the opinion of Jefferson and other advanced democrats, that the form of government ought to be reexamined and reconstructed at reasonably short intervals; Jefferson fixed thirty-three years as the longest period between revisions.

**CONFEDERATION PROBLEMS**—Besides the routine of business pertaining to carrying on the war, and maintaining armies, three important questions were considered by Congress in 1781 and thereafter: (1) the application of Vermont for admission to the Confederation as a state; (2) an equitable disposition of public lands or back lands west of the Alleghenies and within the boundaries claimed by the original thirteen states, and (3) import duties as a source of continental revenues. Each claiming part of the territory over which the Vermont "state government" organized in June, 1777, exercised jurisdiction, New Hampshire, New York and Massachusetts opposed admission. There was opposition also from states that feared that Vermont "might affect the balance of power by throwing an additional weight

into the eastern scale; and because it might be a precedent for augmenting the number of the confederated states, already too large." The Rhode Island delegates in Congress favored Vermont, and in February, 1783, the General Assembly instructed them to "promote and concur in measures to obtain a final declaration of Congress in favor of the independence of that people." Vermont was admitted in 1791; at that time the Green Mountain state's population had been increased by Rhode Islanders, who migrated to the "last New England frontier" after the war. Rhode Island insisted that the back lands were common spoils of war in which the states that contributed to ultimate success ought to share; and that equitably these lands should be ceded to the continental government for disposition by Congress to reduce the public debt and to promote the general welfare. Virginia relinquished claim to territory west of the Ohio River as an inducement to persuade Maryland to enter the Confederation; one of the compromises that made the Constitution possible recognized the justice of Rhode Island's contention with reference to the public lands. Rhode Island's steadfast objection to import duties, even when the twelve other states had yielded consent, some conditionally, defeated the project, and played an important part in proving the inadequacy of the Confederation. The discussion of import duties was most thorough at the time, and enlisted such intellectual giants as David Howell and Jonathan Arnold of Rhode Island, as well as Robert Morris of Pennsylvania, and Alexander Hamilton of New York. Rhode Island and Rhode Islanders have been abused for their stand against import duties; an attempt was made to prejudice the people of Rhode Island against Howell and he was challenged twice to fight duels in an attempt to eliminate him from Congress.

Varnum, who was an ardent admirer of Morris and supported vigorously the measures undertaken by the latter to accomplish economy by reducing the number of officeholders and curtailing wasteful expenditures, favored the impost. Writing, with Mowry, to Governor Greene, on August 14, 1781, he said: "We are at a loss to conjecture the rumors that have induced the state of Rhode Island to delay complying with the requisitions of Congress respecting the five per cent. duty. This requisition was so essential to the adoption of a regular, frugal and productive system of finance that we cannot enter into the necessary details of a permanent revenue without realizing it. It must be obvious that, unless we can call forth the resources of the respective states equally, it will be impossible to execute any great objects, while the states who do most will be the greatest sufferers. It is obvious that, without a permanent revenue in the disposal of the United States, we can neither fulfil past engagements, nor obtain future credits. The resources of the country are not sufficient to carry on the war, without anticipating the revenues. This cannot be done without credit, nor this exist without funds." Again, on September 4, the delegates wrote to Governor Greene: "We are very desirous of knowing the resolutions of the state relative to the duty upon imports and prizes. Had the states really adopted that measure, we should, before this time have derived more than \$800,000 specie. . . . When we assure you that not a farthing of money has been paid into the general treasury from any of the states, excepting Pennsylvania, for more than a year since, you will agree with us that permanent revenues are absolutely necessary." As a matter of fact, the states had been collecting taxes for the continental treasury, but in large part the effect had been principally the sinking of issues of continental notes received in payment of tax levies. The strength of Varnum's and Mowry's argument lay in the demonstration of conditions that demanded a remedy; they failed to prove that their remedy, a five per cent. tax on imports, was a cure, or that a measure so revolutionary from the point of view of a confederation of independent states, was justified. America, in the twentieth century, might be persuaded to abandon the competitive economic system that prevails, because it is so easy to prove that competition involves misery as well as success, if there were any reason to believe that any of the many systems suggested by philosophical or radical reformers would accomplish a genuine improvement. *Proving one thing wrong does not prove another thing right.*

William Ellery had replaced John Collins as delegate in 1781; of the delegation of 1781 only Ezekiel Cornell was reelected in 1782; his colleagues were John Collins, Jonathan Arnold and David Howell. The General Assembly, in June, instructed the Rhode Island delegates to press for payment of continental certificates of indebtedness, for the speedy sinking of continental currency, and for an equitable distribution of the public lands.

**OPPOSITION TO IMPOST**—Howell wrote to Governor Greene, from Philadelphia, on July 30, concerning the five per cent. impost project: “Eleven states have transmitted copies of the acts vesting Congress with a power to levy and collect a duty of five per cent. on imports and prize goods; all of which acts are passed on the express condition that the measure shall be universally adopted throughout the United States, and some of them have other conditions annexed, such as the following: “That after a term of years it shall be in the power of the state to substitute some other revenue equally productive, and which shall be approved of by Congress; that no part of the revenue shall ever be appropriated to the discharge of half-pay pensions; that the state retain a right of appointing or suspending the train of revenue officers within its jurisdiction, etc., etc. Whereon I shall only observe that a reluctance against the measure appears from the mode of compliance therewith in some instances. A committee was lately appointed in Congress to inquire into the reasons why the other states had not complied with their recommendation, before whom, on notice and request, the delegates from the state of Georgia and Rhode Island and Providence Plantations appeared to give information. Having discovered, on my arrival in this city, that all the members of Congress, as well as the inhabitants, were universally in favor of the impost, and concluding that my single voice would be unavailing against the general current, I cautiously avoided entering unnecessarily into the discussion of the subject, but being called on this occasion to assign the reasons which induced a delay on the part of my constituents, a fair opportunity opened and I embraced it with pleasure, to lay before the committee the following representations.”

Howell argued: (1) That Rhode Island was particularly exposed to attacks of enemies in time of war, and needed the revenue that might be derived from imposts, as reimbursement for losses already endured, and for protection in future wars; (2) that the Constitution of the United States (Articles of Confederation) expressly secured to the state “the whole entire emoluments of our own trade”; (3) that an impost tax, even if shifted to the shoulders of consumers, would weigh most heavily on Rhode Island, “as consisting more of merchants, manufacturers and tradesmen, who are chiefly subsisted on imported goods”; (4) that an impost would result in “the rise of prices of such articles of country produce as may be substituted in lieu of imported articles”; (5) that the Constitution did not inhibit the levying of export taxes on goods that might be shipped by inland states to Rhode Island, to offset the impost; (6) that, “should trade remain unfettered with duties and free to all the world, while our ports remained open, supplies might be drawn from any part of the world, whereby we might be enabled to treat with our neighbors, however extensive their territory, or however overbearing their temporary insolence, upon terms of equality”; (7) that collection of a revenue within a state by officers of the Confederation was an invasion of the state’s sovereignty, impracticable, and likely to be costly because of the opposition of the citizenry; (8) that Congress was not accountable for the expenditure of the revenue; (9) that the measure involved a train of abuses, including “an unpromising effect upon the morals of the community at large by multiplying oaths, by increasing temptations to perjury, both in affairs of the customs and in citizens, and by nourishing in idleness and luxury a numerous train of collectors, comptrollers, searchers, tide waiters, clerks, etc.”; (10) that no plan for enforcement of the law by court procedure or otherwise had been set up; (11) that “it was not to be expected that our state would part with all the benefits of its maritime situation until some assurance could be obtained of a participation in common with other states in the back lands, which ought to be considered as a continental acquisition and to be appropriated accordingly.”

Howell proposed the following alterations in the impost measure: "That each state retain the power of choosing the officers of the revenue to be collected within its own jurisdiction; that the revenue arising from this duty be carried to the credit of each state wherein it shall be collected, respectively, and deducted from their annual quota of continental requisitions." Howell was chagrined to find himself "opposed rather than seconded" by his colleague, who at that time was Ezekiel Cornell. In the same letter Howell reported a resolution in Congress providing half-pay pensions for retiring officers, "whereby the United States are loaded with half-pay officers, even during the war"; that the pension, being paid in coin, had become an inducement to retire; and that the plan, as it did not limit the pension to half-pay for regimental officers, encouraged retirement of general officers and promotions to fill their places, and then further retirements, "whereby we have duplicates and triplicates of officers in some instances." Howell also questioned the constitutionality of a proposed land tax of one dollar per hundred acres and a poll tax. He announced that a motion to consider cession of public lands by New York, Connecticut and Virginia had failed because Rhode Island's vote, necessary to assure a majority, had been divided, when his colleague voted "no."

Howell's letter aroused the people of Rhode Island, and the General Assembly, in October, adopted resolutions, which were drafted by John Brown, William Ellery and John Dexter as a committee. These resolutions sustained Howell, and mildly rebuked Cornell without naming either, although the latter was clearly indicated in so much of the resolutions as restricted entering continental service. Cornell had profited by several appointments while in Philadelphia. The resolutions follow: "That the delegates of this state be and they are hereby instructed, to preserve and cultivate a good understanding with each other. To pay a strict regard to the instructions which, from time to time, may be given them from this General Assembly. To contend earnestly for this state's proportion of vacant or back lands. To press the redemption of the outstanding continental bills of credit. To adhere closely to the Articles of Confederation. To exert themselves against half-pay to retiring officers, or to officers who shall continue in service during the war. To obtain a regulation of the weight and value of gold and silver coins, and to fix the standard of weights and measures throughout the United States. Not to accept of any post or place of profit within Congress, or any servant of Congress, nor receive any emolument from any such office held by another until six months after they shall have resigned their office as delegate, and the same shall have been accepted by the General Assembly of this state, or they shall have been, for that time, discharged therefrom by their constituents; and that they use their influence to get a resolution passed that none of their members shall have a like office until six months after they cease to be members. To vindicate and support, with a becoming firmness, on all occasions, such of the acts of the General Assembly of this state as respect the United States at large, and to use their utmost exertions to prevent any infringement being made on the sovereignty and independence thereof." In the months that followed Howell was ably supported by Jonathan Arnold, author of the Rhode Island Declaration of Independence, who succeeded Cornell as delegate attending Congress.

RHODE ISLAND ROLLS BACK THE TIDE—Howell's argument against the impost turned the tide against it at a time when unanimous consent seemed almost assured. Virginia was swayed and the Virginia resolution ratifying the impost was repealed. Immediately the argument weighed so heavily with the committee of Congressmen who heard it that they were prepared to report unfavorably. Morris, who was present and who realized the damage that had been done to the plans of the group of strong men who were then directing affairs, including, besides Morris, Hamilton, Madison and Daniel Carroll, asked that the committee suspend their report, "because it appeared to me that the reasons urged against passing the impost are not so conclusive as some have thought them to be." He requested also that Howell "state his objections in writing," and the latter did so. Morris restated Howell's objections briefly

in a letter addressed to Governor Greene as follows: (1) "That the impost would draw a disproportionate supply from either the merchant or the consumer; (2) that Rhode Island imports and consumes more of foreign articles (in proportion) than any other state; (3) that from her maritime situation, she is exposed to great losses; (4) that the exclusive benefit of the impost should be carried to account of the state; (5) that the impost will raise prices, and therefore manufactures brought from the neighboring states will draw a revenue from Rhode Island; (6) that the duties imposed by the neighboring states may compel Rhode Island to subsist by foreign articles; (7) that many men will be employed in the collection; (8) that it would be avoided by smuggling; and (9) that the collection may be objectionable." In his letter to Governor Greene, Morris undertook to answer Howell's objections categorically, thus: (1) That as the tax must be paid ultimately by the consumer, the latter, having the choice of foreign or home products, paid the tax only as a consequence of a voluntary selection; (2) "that Rhode Island consumes more foreign commodities, in proportion, than any other state in the union cannot be admitted; Rhode Island certainly makes many commodities, but the more southern states are in the habit of importing everything"; (3) that Rhode Island's exposed situation could not "be adduced as a plea for exemption from public burdens"; (4) that the claim to exclusive benefit of the impost was unjust, inasmuch as the duties, paid ultimately by consumers, would enrich the commercial states, Rhode Island and Pennsylvania, at the expense of their "uncommercial" neighbors, who would either carry on their own commerce or demand the repeal of the duty and thus defeat the revenue; (5) and (6) that it was inconceivable that a state should levy a tax on exports, "for, if any of them should, her own citizens would be the sufferers," and that in a system of uncontrolled competition, each "individual will be a check on the avidity of his neighbor," and American goods will be purchased if lower in price than foreign goods; (7) that the impost tax could be collected "by a very small number of men"; (8) that smuggling which "was not formerly disrepectable, because it was the evading of laws which were not made by proper authority, and therefore not obligatory," would become infamous as an attempt "to defraud our own government of so small a pittance," and would not be tolerated; (9) that it could not be assumed "that Congress would devise means to oppress their fellow-citizens" because "the Parliament of England cared nothing about the consequences of laws made for us, because they were not affected by them." In conclusion Morris urged the need of revenue, and declared "the reasons assigned are partly local and I verily believe are founded on mistaken principles."

Congress, on October 10, resolved to "call upon the states of Rhode Island and Georgia for an immediate and definitive answer whether they will comply with the recommendation of Congress to vest them with power to levy a duty of five per cent. on all goods imported, and on prizes and prize goods." Arnold and Howell wrote to Governor Greene on October 13, referring to the resolution of October 10: "Upon this important occasion we cannot admit a doubt that the General Assembly will adhere to those principles of freedom which characterize the state, with that wisdom and firmness which have heretofore marked their decisions, and which reflect the highest honor upon their deliberations." Urging the justice of Rhode Island's claim to share in the disposition of the public lands, they continued: "We beg leave to submit it to the wisdom and policy of the General Assembly, whether it will be expedient for our state to pass the impost . . . before full justice shall be done us in regard to said lands." Writing again on October 15, Arnold and Howell argued even more emphatically than before against the impost: "The object of a seven years' war has been to preserve the liberties of the country, and not to assume in our own hands the power of governing tyrannically. It has been, on our part, a contest for freedom—not for power! . . . Congress has demanded of you an immediate answer in regard to the impost. Should it be brought on whilst the least doubt remains in regard to its propriety, it will be safest to reject it. It can afterward be adopted should evidence finally preponderate in its favor; but, should it once be adopted, the fatal die

is cast—it is irrevocable. Let no man, therefore, vote in its favor with a single remaining doubt. . . . A perpetual grant is demanded of you. We say perpetual, for that it will eventually be such as is as clear as the meridian sun. It is to be granted to Congress until all their debts are paid. They have power to contract as many debts as they please, and are not to account with you for their conduct. Will not half-pay, pensions and other pretexts perpetually involve you deeper and deeper in debt, and render it still more necessary to continue this grant to perpetuity than it is to make it in the first instance! . . . This being the case, permit us, Sir, to demand of you, what right you have to make a perpetual grant of money? Will not succeeding assemblies discover that you have invaded their rights? . . . Should the present Deputies vote themselves perpetual, what injuries could the public sustain but those which would result from these measures being perpetually pursued without the chance of a change for the better by succeeding elections? But if the present Deputies can, by a vote, make their measures perpetual, they in fact do the same injury to the public as they would be voting themselves perpetual, and eventually prostrate the ends of all future elections? Is not this a bold attack on the liberties of the people at large? . . . But we hear some minions of power reply, 'You are excessively jealous, you are affrighted at nothing.' We answer, a degree of jealousy is necessary. Where it is extinguished, liberty expires. Did not similar jealousies bring about the present glorious revolution? Did America resist the power of Britain to avoid only three pence on a pound of tea, or was it their claims, their unlimited claims, and the tendency of their measures? Was it not rather oppression and violence apprehended and which existed in our well-grounded fears and reasonable jealousies, that brought us the present war, than the great weight of present injuries? A system was formed, which, if carried into effect—and it would have been by degrees—would have deprived us of all that is valuable in life. . . . Should the impost be adopted, a numerous train of officers will be concerned in the collection and after management of the revenues. The bribes of half-pay officers, pensioners and public creditors, whose number and influence might be increased from time to time at the pleasure of Congress, would enlarge, extend and increase their power, and soon induce the necessity of pursuing the remaining parts of the plan, by adopting the land tax, the poll tax, and the excise. After which the bonds of union, to use the phrase of the advocates of these measures, would be complete; and we will add, the yoke of tyranny fixed on all the states, and the chains riveted." The letter then refuted the argument that the impost was just as a security for public creditors, by declaring that the creditors were entitled to no more security than existed when debts were contracted. It denied the necessity of the impost as a means to extend credit or procure loans, pointing to the success of loans abroad; and argued that larger loans abroad should be avoided "as a temptation to incur an extravagant foreign debt, and endangering a more lavish expenditure of public moneys." Although the writers protested "we shall not, on this occasion, repeat the well-known objections against the measure," they proceeded to recall them one after another, and concluded: "We cannot doubt but that the measure will be postponed, or finally rejected by a large majority of the virtuous and patriotic legislature of our state, which has from its first settlement preserved its liberties entire; been foremost in the present glorious revolution, and by a decided opinion on this important occasion, will preserve the liberties of the United States and transmit them to posterity, and thereby enact to themselves a monument more durable than brass." The question of granting the impost was decided negatively by the unanimous vote of the members present at a meeting of the House of Deputies on November 1. Rhode Island had answered "immediately" and "definitively."

Notice of the action taken by Rhode Island did not reach Congress until December 11. Meanwhile Congress, on December 6, on motion of Alexander Hamilton, the Rhode Island delegation alone opposing, voted to send a deputation to Rhode Island "for the purpose of making a full and just representation of the public affairs of the United States and of urging

the absolute necessity of compliance" with the impost resolution, "as a measure essential to the safety and reputation of these states." Congress, on December 11, voted down Howell's motion to repeal the Hamilton resolution, and referred a letter from William Bradford, Speaker of the Rhode Island House of Deputies, announcing Rhode Island's definite rejection of the impost to a committee consisting of Messrs. Hamilton, Madison and Fitzsimmons. This committee, already appointed to draft a letter to be sent to Rhode Island to introduce the deputation, prepared an elaborate argument supporting the impost. This argument, in large part and principally, probably, the work of Hamilton, examined the reasons alleged by Speaker Bradford for Rhode Island's action, and proceeded to a discussion of general principles of taxation. To Rhode Island's first objection, "that the proposed duty would be unequal in its operation, bearing hardest upon the most commercial states, and so would press particularly hard upon that state which draws its chief support from commerce," the committee answered that the duty would be added to the price of the commodity, with a profit for the advance of it, and would be charged to the consumer; that every class in the community would bear "its share of the duty in proportion to its consumption . . . . the rich and luxurious . . . . in proportion to their riches and luxury; the poor and parsimonious, in proportion to their poverty and parsimony." To the second objection, "that the recommendation proposes to introduce into that and the other states officers unknown and unaccountable to them, and so is against the constitution of the state," the committee answered that the principle if enforced logically and rigidly would exclude the postmen of the Confederation from the state, and that an impost, unless the collectors were appointed by Congress, would "in a great measure, be defeated by an inefficient mode of levying it . . . . and . . . . might in reality operate as a very unequal tax." To the third objection, "that, by granting to Congress the power to collect moneys from the commerce of these states, indefinite as to time and quantity, and for the expenditure of which they are not to be accountable to the states, they would become independent of their constituents, and so the impost is repugnant to the liberty of the United States," the answer was (1) that the period was definite, inasmuch as it was limited to the debt "contracted and to be contracted in the course of the war"; (2) that the rate was fixed, and could not be increased; and (3) that "the security intended to the general liberty in the Confederation consists in the frequent election and in the rotation of the members of Congress, by which there is a constant and an effectual check upon them." The committee condemned a failure to provide for paying the public debt and the interest upon it as stamping "the national character with indelible disgrace." After an argument to "show that taxes on possessions, on articles of our own growth and manufacture, are more prejudicial to trade than duties on imports," the committee concluded with an appeal to patriotism: "There is a happy mean between too much confidence and excessive jealousy, in which the health and property of a state consist. Either extreme is a dangerous vice; the first is a temptation to men in power to arrogate more than they have a right to; the latter enervates government, prevents system in the administration, defeats the most salutary measures, breeds confusion in the state, disgusts and discontents the people, and may eventually prove as fatal to liberty as the opposite tempers. It is certainly pernicious to leave any government in a situation of responsibility disproportionate to its power." The argument was able. Howell and Arnold had compelled both Morris and Hamilton to enter the lists against them, and Hamilton had made a brilliant presentation of his thesis, and a scarcely surpassed analysis of the economic principles involved in indirect taxation. He had not, however, answered the essential contention of Howell and Arnold, that Rhode Island should not yield consent to the impost unless and until there were proper restrictions and there had been an equitable disposition of the public lands. Rhode Island's objection to collection of taxes by other than Rhode Island officers might be expected as a consequence of unpleasant experiences in colonial days with the King's officers; the arrogance of these was more noticeable in a colony which was self-governing than in those in

which a large number of the functions of administration were entrusted to royal or proprietary appointees, and there had been no opportunity for contrasting attitudes. Rhode Island had tasted more of liberty and democracy than the rest, and was more jealous accordingly. The efforts of Morris and Hamilton were vain; Virginia had been persuaded by the eloquence of Howell of the danger of entrusting too many functions to the union, and had begun to recede from federalism. When Virginia repealed its ratification of the impost, a landslide against it was precipitated. Congress, on December 24, on receiving news of the action of Virginia, resolved "that the deputation to Rhode Island, be, for the present, suspended, and that a committee be appointed to report such further measures as it may be proper for Congress to take upon the subject at large."

**HOWELL'S VICTORY AROUSES ENMITY**—Howell had won a victory at the expense of incurring enmities which were manifested immediately in an undertaking to destroy him politically both in Congress and in Rhode Island. Congress resolved, on December 6, "There is reason to suspect that as well the national character of the United States and the honor of Congress, as the finances of the said states may be injured and the public service greatly retarded by some publications that have been made concerning the foreign affairs of the said states," and "that a committee be appointed to inquire into this subject and report what steps they conceive are necessary to be taken thereon." The committee reported, on December 12, a paragraph printed in the "Boston Gazette" as correspondence from Providence purporting to prove the success of foreign loans, thus: "This day letters have been read in Congress from Mr. Adams, of the 16th of August, and Mr. Dumas, his secretary, of the 19th. The loan he is negotiating fills as fast as could be expected. The national importance of the United States is constantly rising in the estimation of European powers and the civilized world. Such is their credit that they have, of late failed in no application for foreign loans, and the only danger on that score is that of contracting too large a debt." From the federal point of view the objection to the paragraph was that it negatived the necessity of an impost tax. The committee reported a resolution instructing the Secretary of Foreign Affairs "to write to the Executive of Rhode Island, requesting him to inquire through what channels the above communication was made, and who is the supposed author of the extract referred to." The Secretary of Foreign Affairs was discharged from these instructions on December 18, "Mr. Howell, a delegate from the State of Rhode Island, having acknowledged himself as the author of the extract of the letters quoted in the report of the committee." To this resolution, altogether unjust because it not only implied a stigma but also represented Howell as acknowledging conduct that was censurable by Congress, Howell objected. Congress refused, however, Rhode Island alone voting yes, to substitute for the resolution another carefully drawn and offered by Howell, acknowledging that the paragraph printed in Boston contained sentences from a letter written by him to Governor Greene and another written by him to the "Providence Gazette," and printed on November 2, and "absolutely protesting generally against any power exercised or claimed by Congress to call any member of their body to account for any information which he may think proper to communicate to his constituents, the secrets only of Congress excepted, and more especially against any powers in the present Congress to call to account a member of the late Congress"; and "further alleging and protesting that the resolve . . . appointing a committee of Congress on late publications is a departure from the dignity of Congress and tends to establish a procedure dangerous to the freedom of the press, the palladium of liberty, civil and religious; and that the resolve . . . accepting the report of the said committee against a certain paragraph in a newspaper, and demanding the writer thereof to be delivered up . . . is, in effect, an infraction of the fifth article of the Confederation, which allows freedom of speech and debate in Congress, and, of course, a free communication of such debates and speeches to their constituents by the members of Congress, without being accountable to that body for the propriety of what is said,



**WILLIAM ELLERY**

WILLIAM ELLERY (1727-1820)

Signer of the Declaration of Independence and Chief Justice of the Superior Court of Rhode Island



debated or communicated; and declaring that the facts stated in the said paragraph, respecting foreign loans, are substantially true, and can be established by authentic documents in possession of Congress." Howell in his substitute resolution charged also that the paragraph as reported by the committee of Congress had been extracted from its context in a letter, and that parts only of the paragraph as written and printed had been reported to Congress, "thereby fixing it on the journals in . . . a detached and maimed condition." He admitted that "in his private opinion, he is, has been, and has a right to be against the five per cent. impost (his constituents expected him not to approve it)." While he regretted that his position "has drawn on him the resentment of any, he will endeavor to sustain it with a fortitude becoming the cause of freedom and his country"; "his constituents have hitherto approved his conduct, and he trusts they will not fail to support him. He considers himself as their servant, and to them alone is he accountable for his doings; and, under them, servant of the United States, but not the servant of Congress." Howell had succeeded, through his substitute motion, though it was rejected, in getting a statement of his position on the "Journal of Congress"; Hamilton immediately assumed direction of a movement to censure Howell and Arnold, presenting a resolution thus: "Congress having . . . admitted in their Journals an entry of a motion made by Mr. Howell, seconded by Mr. Arnold, highly derogatory to the honor and dignity of the United States in Congress assembled, resolved that a committee be appointed to report such measures as it will be proper for Congress to adopt thereon." Arnold and Howell were not sustained in offering an amendment to strike out the words "highly derogatory to the honor and dignity of the United States in Congress assembled." The committee reported a recommendation that copies of the two resolutions, one identifying Howell as the author of the paragraph objected to, and the other, censuring Howell and Arnold, be sent to Rhode Island. Arnold, in January, moved that the Secretary of Foreign Affairs be directed to transmit to Rhode Island certified copies of extracts from certain letters that would establish the truth of Howell's statements, and thus precipitated a debate in Congress in the course of which several amendments to Arnold's motion were offered, including a preamble as follows: "Whereas, the delegates of the State of Rhode Island have frequently interrupted and delayed the important business of Congress, by their solicitations to obtain certain extracts from letters received by Congress," etc. Eventually the matter was sent to committee, and the committee recommended no action further than "that, to obviate misrepresentation, it will be advisable to transmit to the Executive of the State of Rhode Island a copy of Mr. Arnold's motion and the proceedings thereupon, with a request that precautions may be taken to prevent them appearing in the public press." Arnold not only supported Howell in Congress, but also wrote home to Governor Greene letters praising his colleague, thus: "It appears to have been his first and only wish to serve his country generally, and especially his constituents, with unshaken fidelity." He has had no separate interested views to lead him from these objects. . . . He ever showed a desire to do justice, consistent with honor and economy, and, judging that in many instances, the gratuities and salaries of the civil officers were beyond what the present circumstances of the people could bear, he has missed no proper opportunity of speaking freely his opinion thereon, and to enforce the necessity of their reduction. He has been zealous and active in endeavoring to obtain justice in regard to the western territory. . . . He has also exerted himself to obtain some effectual measure whereby the public accounts might be collected upon constitutional principles and the public credit thereby restored, without the necessity of recurrence to measures unknown in and contrary to such principles. But I am sorry to say in this his exertions have hitherto proved fruitless. For his conduct in the preceding matters has been looked upon in an invidious light by those whose principles and conduct have been opposed to him. He has been treated with a coldness and indifference which must have been extremely mortifying to his feelings, and which to avoid, would have swerved from his purpose anyone not endowed with an uncommon share of firmness. I have

reason to expect that the inveterate enmity which his honest and patriotic zeal in his country's cause have raised in the breasts of those to whom he has been necessarily opposed, will be exerted and follow him to his home, and that the most unremitting industry will be used to injure him in the state he has with so much integrity represented." Arnold wrote on December 18: "He (Howell) has vindicated himself with a firmness becoming a representative of a free state. And as the liberties of the state and its rights by confederation, I conceived to be invaded by the measures pursued against him, he has had every support I could afford him. This had drawn upon me the attention of Congress." In January Arnold wrote: "It was soon obvious that the favorers and expectants of that measure (the impost) considered him (Howell) as the chief stumbling block in the way of their wishes." Referring to the action of Congress with reference to the publication of dispatches in the "Providence Gazette," he said: "It was now beyond a doubt that the proceedings originated in a fixed design to ruin Mr. Howell's credit and character with the state he served, and thereby destroy that influence he was supposed to have in opposing the impost, their favorite object." The General Assembly sustained Howell and Arnold in resolutions adopted at the February session, 1783, which included: "That the motion containing a declaration and protest made by Mr. Howell and seconded by Mr. Arnold . . . appears to be just, true and proper, and that this General Assembly do highly approve of the conduct of their delegates in making said motion, declaration and protest; that the extracts of letters . . . do fully justify the representations made to this state by its delegates . . . ; that this General Assembly entertain a high sense of the meritorious services rendered to the state and to the cause of freedom in general by the firm and patriotic conduct of the said delegates, particularly in their strenuous exertions to defeat the operation of measures which the state considered dangerous to the public liberty." And the people re-elected both Howell and Arnold in the next general election. The persecution of the Rhode Island delegates was waged vigorously in and out of Congress. Arnold and Collins, who had replaced Howell under the state's plan for maintaining at any time only two delegates of the four elected, reported to Governor Greene in February that they were "extremely mortified to be told, when anything is offered against the principle and the sense of the legislature and people of Rhode Island declared, that the state is foreclosed from any opposition at this day; that their consent has been once given fully and absolutely in favor of half-pay, and that it is too late now to make objections, or declare what are the present opinions of the state on the subject, and the 'Journals of Congress' are produced to show that General Cornell had committed the state by giving their vote in favor of that measure, etc."

In the attempt to discredit Howell and Arnold at home the services of Thomas Paine were enlisted, and he wrote a series of letters which were published in the "Providence Gazette," and other letters which were published elsewhere. Paine's letters were answered by Howell and others. Varnum also wrote a series of letters favoring the impost.

A FRESH IMPOST PROPOSITION—Meanwhile Congress had been persuaded to modify the impost proposition and to recommend other measures conforming to the ideas of the Rhode Island delegation. The impost as recommended by Congress on April 18, 1783, was limited (1) to be applied "to the discharge of the interest or principal of the debt contracted on the faith of the United States for supporting the war"; (2) to collection in each state by officers appointed by state authority; (3) to twenty-five years unless the debt should be sooner paid; and was to be supplemented by taxes levied by the states and paid into the treasury of the Confederation amounting annually for a period of twenty-five years to \$1,500,000. Rhode Island's share was apportioned as \$32,318. Congress also recommended liberal cessions of the western lands, and that Confederation taxes be apportioned on the basis of population instead of in proportion to the value of privately owned land. Population was to be computed as "the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other

persons not comprehended in the foregoing description, except Indians not paying taxes." Rhode Island delegates, Collins and Arnold, wrote to Governor Greene on April 23, concerning the modified proposition: "To produce this, in its present form, has been a work of time. . . . Everything has been suggested and done to take off the objections and render it palatable to the several states which could be done consistently with a fixed determination of preserving in Congress a power to collect and appropriate the revenues. . . . It would have been less exceptionable to us had the officers for collecting the revenue been under the control as well as the appointment of the state. And we conceive the appointment of officers for twenty-five years incompatible with the constitution of the state, which requires all officers to be chosen annually. We are also at a loss to reconcile the idea of appointing officers, which when made, immediately become independent of their makers, with the principles of liberty. But we are happy that it will be submitted to the consideration of an Assembly, whose deliberations on former occasions have been marked with wisdom, and have discovered a thorough knowledge of their constitutional rights, as most striking testimonies of which we appeal to the difference between the present and former resolutions on this subject. If it should be the opinion of the Assembly to adopt the resolution generally, we take the liberty to mention that a deviation, so far as relates to the control of the officers, may be made, with a probability of its being acquiesced in by Congress; and if this was to be done in the New England States, it would be a good additional guard to the rights of the states—a matter of the highest importance, and which requires to be kept in constant view."

The conclusion of the war and the successful floating of loans in foreign countries relieved somewhat the pressure for money, and Congress, while urging ratification of the impost proposition of 1783, was not disposed to use the pressure that had been resorted to on behalf of the earlier measure. Enmity toward Rhode Island was not so strong, and there were some who recognized merit in the courageous position maintained by Rhode Island and her delegates in Congress. General Wadsworth representing Connecticut in Congress in 1784, declared that "Rhode Island had saved the liberties of the United States once, and perhaps they might again." Blair McClenachen of Philadelphia, while advocating the impost project as modified in 1783 as wise and good, declared that it had been fortunate for the country that the earlier plan had failed "as it was not right." Hamilton's vigorous argument against Rhode Island's objections, including advocacy of strength in the federal government for which the country was not prepared, had not only failed to affect Rhode Island, but had awakened distrust elsewhere. The Connecticut General Assembly adopted a letter of remonstrance against the position taken by Hamilton; his letter had had the effect of crystallizing a rising sentiment for state rights that was to render futile any attempt to amend the Articles of Confederation. Public sentiment was swinging favorably to Rhode Island. Howell, writing home in February, 1784, said: "Indeed, it is generally allowed that our disposition" to the project of 1781 "was meritorious; and I have had the pleasure of hearing many fine things said of the state, which have, in a measure, balanced for the harsh things said of it last year. I will not repeat the compliments which have been paid to me personally, by some perhaps sincerely, and by others, who concluded by saying that they made no doubt but I would use my influence for the present measure." Evidently he was suspicious of "Greeks bearing presents"; Howell had not relinquished his opposition to any form of continental impost, and his determination to resist to the utmost any measure tending to diminish Rhode Island independence.

The General Assembly, in May, 1783, instructed the Rhode Island delegates to "make up all the measures in your power to obtain a repeal of the late resolution of Congress for allowing the amount of five years' whole pay to officers in compensation for half-pay," which had been granted in spite of Rhode Island opposition. Rhode Island's reasons for objection were "that the Articles of Confederation make no provision for appropriations of money to

such purposes, and, therefore, the resolution cannot be effectual without the acquiescence of the respective legislatures. The General Assembly of this state cannot comply with a requisition of this kind, because the measure tends to a military establishment in time of peace, is unequal in its application, as no regard is had to time of service; is unjust in its operation, as the states that have raised the greatest proportionate number of soldiers, with the smallest number of officers, will be the greatest sufferers, and because the sum to be paid will amount to much more than the purpose intended." Collins and Arnold acknowledged receiving the instructions, but declared the time unfavorable for an attempt to obtain repeal because only eight states were represented, and nine were required for important business. This condition was characteristic of Congress for a large part of the ensuing year. Congress had adjourned from Philadelphia because of a riotous demonstration by a part of the army, demanding measures for relief. Writing from Princeton in September, Ellery and Howell said: "Since the adjournment of Congress to this place little business has been done. This may be ascribed, partly to the confusion necessarily following such an event; but principally to an incomplete representation for the states. Sometimes Congress has adjourned for want of seven states. Nine are seldom on the floor at once." The letter contained also a long discussion of the impost question, which had become almost an obsession with Howell. He was continually finding new and ingenious objections to a continental impost, and because of the enmity against himself and his own non-sympathetic analysis of men, measures and motives, was drifting steadily into opposition to most propositions before Congress, and was becoming more definitely anti-federalist and more set in the maintenance of state rights. Asserting that in Massachusetts a letter written by the delegates had been suppressed, and a vote favorable to the impost obtained by presentation of mutilated paragraphs from other letters, he declared: "I cannot find words strong enough to express my indignation at the base means, the intrigue, the chicanery, the deceit, the circumvention, the fetches, the side winds, the bye blows, the ambushes, the stratagems, the manœuvring, the desultory attacks, the regular approaches, the canting and snivelling, as well as swearing and lying, and, in short, the total prostitution of every power and faculty of body and mind and office, to carry a point, which I need not name." Of the project of 1781 he wrote: "The states are now generally astonished that they should ever have been led into such an error to give Congress the vast and uncontrollable powers sustained in this ordinance. Virginia, South Carolina and North Carolina repealed their hasty grants, as did the lower house of Massachusetts. Georgia and Rhode Island never granted the request to Congress." He reported seven states as having ratified the project of 1783, but added: "Should some more comply and bring the measure near to a crisis, I expect that some states will repeal these acts, as others did the former." For want of a quorum or the consent of the number of states required by the Articles of Confederation, Congress was little better off as an efficient legislative body at Annapolis than it had been at Princeton. Rhode Island invited Congress to meet within the state, and offered to find a suitable assembly hall at state expense. Howell served on a committee, including also Thomas Jefferson and Jeremiah T. Chase, that reported a plan for the temporary government of the western territory, one provision of which forbade slavery or involuntary servitude except as a punishment for crime, after 1800. This anti-slavery provision failed of adoption as it was supported by only New York and Pennsylvania and the New England states, six states, and seven were necessary. Jefferson was out-voted by his colleagues from Virginia.

John Brown was elected as delegate to Congress in 1784 to succeed Jonathan Arnold, who had removed to Vermont. Ellery, Howell and Marchant were reelected, but Marchant resigned. The General Assembly fixed the term of the delegates-elect as beginning on the first Monday in November, corresponding with the opening of the session of Congress under the Articles of Confederation. In 1777 the General Assembly had directed that delegates should serve for one year or until their successors were elected, and qualified; to meet the

situation arising because of the term first established in 1784, the General Assembly expressly provided that the delegates elected in 1783 should hold over until November, 1784. On the ground that the Articles of Confederation provided for annual appointment of delegates, and did not authorize an appointment for a longer period, a group in Congress, hostile to Howell, undertook to exclude him and Ellery from voice and vote in proceedings. Congress spent two weeks in debating motions intended to bring the question to issue, in the course of which all the finesse of parliamentary law was resorted to. Howell referred to the matter in a letter written May 22, thus: "Our old credentials for the last election have been called in question, and the whole business of the nation was suspended for the last six days in canvassing the subject, notwithstanding . . . so much business of importance calls for our attention. Some young men in Congress pursue the object of taking our seats in Congress, as if it was of the first magnitude." A postscript to the same letter added: "I have been in hot water for six or seven weeks—ever since business has been taken up in earnest . . . I have received two written challenges to fight duels; one from Colonel Mercer of Virginia, the other from Colonel Spaight of North Carolina. The Journals will give their political character. I answered them that I meant to chastise any insults I might receive, and laid their letters before Congress." The General Assembly rejected the proposal to change the basis of apportioning continental taxes from land and buildings to population. To a request by Congress that the state delegation be maintained at three, instead of two delegates, to meet the situation whereby a state lost its vote by disagreement of its delegates, Rhode Island answered that it would agree to an amendment reducing the minimum delegation to one, thus resubmitting one of the amendments proposed when the Articles of Confederation were ratified.

"The seasonable and firm stand made by Rhode Island against the all-grasping hand of power, in the case of duties, has saved the United States. And I should be wanting, as well in duty to the state as to my own feelings if I should neglect to inform them that they have the thanks of thousands of the wisest and best men in the union for their conduct," wrote Howell from New York on January 12, 1785. But if the union had been saved from destruction through the excessive zeal of those who would have centralized power in Congress, it was not less in danger of dissolution from sheer inertia. In strength it might be feared; in impotence Congress had become almost pitiable. Howell was not eligible for reëlection, having served three years. Of four delegates elected in May, 1785, none attended any session of Congress. James Manning and Nathan Miller were elected delegates by the General Assembly in February, 1786, following a resolution by Congress directing its chairman "to write to the executives of the states of Rhode Island, Delaware, Maryland, Virginia, North Carolina and Georgia, stating to them the inconveniences arising from a want of a sufficient number of states to proceed in the business of the union, and earnestly pressing them to send on their delegates immediately." "Three months of the federal years are now completed," wrote the chairman, "and in that whole period no more than seven states have, at any time, been represented. . . . The most essential interests of the United States suffer. . . . The remissness of the states in keeping up representation in Congress naturally tends to annihilate our Confederation. That once dissolved, our state establishments would be of short duration. Anarchy or intestine war would follow, till some Cæsar seize our liberties, or we should be the sport of European polities, and perhaps parcelled out as appendages to their several governments." Manning, who was president of Rhode Island College, accepted election to Congress principally in the interest of the college, for which he hoped to collect a claim for rent and reparation for damage while the college estate was used for public purposes in war time. He took his seat on May 3, 1786, but Rhode Island had no vote in Congress, for want of the minimum delegation required, until his colleague, Miller, appeared on July 14. Meanwhile Manning was reduced almost to want for need of money; he had left the state without public funds, and depended on Miller to carry the expense money voted by the General Assembly. Congress was also in

serious straits ; Manning wrote, early in June: "Matters highly interesting to this Confederacy, and, indeed, I think the question whether the federal government shall long exist, are now before Congress, and there are not states sufficient to transact the necessary business, as we have now barely nine states on the floor. Our affairs are come very much to a point, and if the states continue to neglect keeping up the delegations in Congress, the federal government must *ipso facto* dissolve." Later he wrote to Miller: "Never, probably, was a full delegation of the states more necessary than now, for you may rest assured that in the opinion of every member of Congress, and in the several departments, things are come to a crisis with the federal government. You say you think the present house do not want a Congress ; they may, it is more than probable, very soon see the accomplishment of their wishes, for without a speedy reform in the policy of the states, the federal government must be no more." Perhaps the severe economic stress that Manning was suffering for want of money in a strange city contributed to his altogether gloomy picture of Congress. The General Assembly, in 1785, passed an act providing for an impost and other taxes, to be collected by state officers, the proceeds to be remitted in part to the continental treasury and in part to be applied to payment of interest on the continental debt in Rhode Island. This enactment was so completely dissimilar to the impost proposed by Congress in 1783 that a committee of Congress in 1786 reported Rhode Island as one of four states that had "not decided in favor of any part of the system." A year later, in February, 1786, the Assembly passed another impost act subject to such conditions that it was scarcely a compliance with the request of Congress ; New York failed to act in 1786, and the project was abandoned. The Assembly in February, 1786, enacted also a measure granting to Congress a limited control over interstate and foreign commerce, in such terms that Rhode Island was classed with ten states that had not complied with a request of Congress. Little as had been the concessions thus made in 1786 from the strongly negative position assumed by Rhode Island in earlier years, they were sufficient, with a rising demand for the issuing of paper currency, to sweep Governor Greene and Deputy Governor Bowen out of office in May, 1786, and to place the government of Rhode Island in control of a coalition of states rights and paper money advocates headed by John Collins as Governor and Daniel Owen as Deputy Governor. It was the result of the May election in 1786 which prompted Miller to write to Manning that he thought "the present house do not want a Congress." The coalition played an important part in determining Rhode Island's relations to the union for the following four years—the most critical in the history of the United States.

MOVEMENT FOR A NEW CONSTITUTION—The Virginia General Assembly, on January 21, 1786, appointed commissioners to meet other commissioners from the different states in the union, at a time and place to be agreed on, for the purpose of framing such regulations of trade as may be judged necessary to promote the general interest. Patrick Henry's letter of January 23, announcing this project for an interstate conference, was followed, February 19, by a letter written by Edmund Randolph, which suggested "the first Monday in September next as the time and the city of Annapolis as the place for the meeting." The Rhode Island General Assembly, at the June session, 1786, appointed Jabez Bowen and Christopher Champlin as commissioners on the part of Rhode Island. Champlin declined and was replaced by Samuel Ward. The Annapolis convention met on September 11 and adjourned on September 14, after reaching in three days an agreement to recommend the calling of a constitutional convention to meet at Philadelphia in May, 1787, which was destined to fulfil the prophecy of Varnum in his letter of April 2, 1781.\* Delaware, New Jersey, New York, Pennsylvania, and Virginia were represented at Annapolis. Besides Rhode Island, New

\**Vide supra.*



MAJOR GENERAL NATHANAEL GREENE  
Monument on Left of South Approach to State House  
*(Photo by R. B. Burchard)*



Hampshire, North Carolina and Massachusetts appointed commissioners; Jabez Bowen, of Rhode Island, was on his way to Annapolis, when news reached him that the conference had adjourned, and he turned back. Connecticut, Georgia, Maryland and South Carolina ignored the invitation to send commissioners to Annapolis. Congress indorsed the recommendation of the Annapolis conference in resolutions adopted February 21, 1787, in part as follows: "Whereas . . . . experience hath evinced that there are defects in the present Confederation, as a means to remedy which several of the states, and particularly the state of New York, by express instruction to their delegate in Congress, have suggested a convention, . . . . resolved that in the opinion of Congress it is expedient that . . . . a convention of delegates, who shall have been appointed by the several states, be held in Philadelphia for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed by Congress and confirmed by the states, render the federal constitution adequate to the exigencies of government and the preservation of the union." The Rhode Island House of Deputies in March rejected a motion to send delegates to the constitutional convention. In May, following election, the House of Deputies, by one majority, voted to send delegates; but the Assistants did no concur. In June the Assistants voted to send delegates, but the House of Deputies did not concur. Rhode Island was the only state not represented at Philadelphia, and was roundly abused at the time. The General Assembly in a letter addressed to the President of Congress in September presented "reasons why this state has not had a delegation at the convention at Philadelphia," parts of which follow:

RHODE ISLAND POSITION EXPLAINED—Our conduct has been reprobated by the illiberal, and many severe and unjust sarcasms propagated against us, but, Sir, when we state to you the reason and evince the cause, the liberal mind will be convinced that we were actuated by that great principle which hath ever been the characteristic of this state, the love of true constitutional liberty, and the fear we have of making innovations on the rights and liberties of the people at large. . . . Your honorable body informs us that the powers vested in Congress for the regulation of trade were not sufficient for the purposes of the great national regulation requisite. We granted you, by an act of our state, the whole and sole power of making such laws as would be effectual for that purpose.<sup>†</sup> Other states not passing similar laws, it had no effect. An impost was likewise granted,<sup>†</sup> but other states in the union not acceding thereto, that measure has proved abortive. The requisition of February 21 last hath not been acceded to because we conceived that as a legislative body we could not appoint delegates to do that which only the people at large are entitled to do. By the law of our state, the delegates in Congress are chosen by the suffrages of all the people therein, and are appointed to represent them in Congress; and for the legislative body to have appointed delegates in Congress (unless upon death or other incidental matter), must be absurd, as that delegation in convention is for the express purpose of altering a constitution to which the people at large are only capable of appointing the members. . . . As the freemen at large have power of electing delegates to represent them in Congress, we could not consistently appoint delegates to a convention which might be the means of dissolving the Congress of the union, and having a Congress without a Confederation. You will impute it, Sir, to our being diffident of power and an apprehension of dissolving a compact which was framed by the wisdom of men who gloried in being instrumental in preserving the religious and civil rights of a multitude of people and an almost unbounded territory, that said requisition hath not been complied with, and fearing, when the compact should once be broken, we must all be lost in a common ruin. We shall ever esteem it a pleasure to join with our sister states in being instrumental in whatever may be advantageous to the union, and add strength and permanence thereto, upon constitutional principle.

*Consistently with this reasoning, Rhode Island was the only state that submitted the Federal Constitution to a popular referendum. The General Assembly was no more unanimous, however, on "the reasons" for its failure to send delegates than it was in the policy*

<sup>†</sup>The Rhode Island measures granting Congress an impost and the power to regulate commerce were so restricted as not to satisfy Congress.

that should be pursued, as evidenced, with reference to the latter by the varying votes in Assembly in March, May and June, and with reference to the former by a formal protest signed by nine of the ten Deputies from Newport and Providence, from which the following extracts are taken:

We, . . . . beg leave to protest . . . . for the following reasons: First, for that it has never been thought heretofore by the legislature of this state, or while it was a colony, inconsistent with or any innovation upon the rights and liberties of the citizens of this state to concur with sister states or colonies in appointing members or delegates to any convention proposed for the general benefit. . . . Secondly, that the powers mentioned in the said letter to have been vested in Congress for the regulating of trade were granted by the legislature of this state, as also, finally granting the impost, which is inconsistent with the ideas contained in the letter that such powers were not in the legislature but in the people at large; thirdly, that by the Articles of Confederation . . . . it is expressly provided that when any alteration is made in the Articles of Confederation, it shall be . . . . confirmed by the legislature of every state, which is expressive that this power is in the legislature only; fourthly, as by the Articles of Confederation the appointment of delegates in Congress is declared to be . . . . in said manner as the legislature of such state shall direct . . . . and the legislature . . . . prevents their delegation from proceeding to Congress until special orders or directions from the legislature, so it is certain the legislature had constitutionally the power to send members to a proposed convention; . . . . fifth, as it would have been our highest honor and interest to have complied . . . . so it would have been more consistent with our honor and dignity to have lamented our mistake and decently apologize for our errors than to have supported them on ill-founded reasons and indefensible principles. . . .

The protesting deputies expressed regret that, within the time limit of one hour, they had been constrained to confine themselves to only some of the reasons for dissent suggested by the letter to Congress. The division on protest and letter was betwixt town and farm, much as the division on the paper money issue was betwixt merchant and farmer. The agrarian agitation along the northern border, which, in its disorderly aspects had been summarily suppressed in Rhode Island in 1783, had developed by 1787 into Shays' rebellion in Massachusetts. In Rhode Island the more liberal democracy in the political organization had permitted the farmers to obtain control of the General Assembly. Thus they had been able to carry out their program for an emission of paper money,\* the agrarian device for the time being for avoiding taxation and relieving an economic pressure that was interpreted as due to want of ready money principally. The Rhode Island farmers foresaw in a strengthened central government a restriction of the power that they had seized through control of the state government. The merchants, on the other hand, had reached an understanding of the advantages to trade and commerce and the general economic prosperity that could be promoted by union, and welcomed a strengthened central government as a restraint upon the agrarian movement.

THE CONSTITUTION REJECTED BY THE PEOPLE—The convention at Philadelphia was completing its labors as the Rhode Island General Assembly was busy with letter and protest; two days later the convention sent the Constitution of the United States of America to Congress, with recommendation that it be submitted for ratification to popular conventions in the several states. Congress, on September 28, resolved unanimously that the report of the convention be transmitted to the several legislatures "in order to be submitted to a convention of delegates chosen in each state by the people thereof." Rhode Island was not represented in Congress at the time. The Rhode Island General Assembly at the October session ordered 1000 copies of the report of the convention printed and "sent to the several town clerks of the state, to be distributed among the inhabitants, that the freemen may have an

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See Chapter XV.

opportunity of forming their sentiments of the proposed constitution." The Assembly further, "conceiving themselves representatives of the great body of the people at large and that they cannot make any innovation in a constitution which has been agreed upon, and the compact settled between the governors and the governed, without the express consent of the freemen at large, by their own voices individually taken in town meetings assembled," submitted the Constitution to a referendum of freemen on the fourth Monday in March, 1788. The act authorizing the referendum provided for a voice vote in open town meeting with a registration of "the name of each and every freeman and freeholder, with the yea or nay, as he shall respectively give his voice aloud in open town meeting," a copy of the record to be certified to the General Assembly. The Assembly rejected a proposed amendment, to submit to the freemen the question of calling a convention, and also voted down a motion to order a convention. The referendum was decisively against the Constitution, 2708 nays, 237 yeas. Only fifty per cent. of the freemen had voted, but the total vote, 2935, was seventy per cent. of the vote cast for Governor, 4287, in 1787, which from modern experience with the referendum on constitutional amendments and other questions might be considered very satisfactory as an indication of the actual crystallization of public opinion. In modern elections many voters ignore altogether questions on the ballot, limiting their suffrage to choosing officers; and special elections on questions as a rule call out only a small fraction of the potential or even the qualified electorate. An analysis of the vote by towns on the question of ratifying the Constitution in 1788 indicates that the overwhelming majority against the Constitution was due in part to refusal of the friends of the Constitution to participate, by voting, in procedure which they considered futile as contrary to the method of ratification proposed by Congress. They knew, as well as the members of the General Assembly who ordered the referendum, that a majority of the freemen of Rhode Island at the time were not in favor of the Constitution. To avoid a fair test of strength by refusing to vote was good politics. Besides, strict construction might necessitate calling a convention to ratify the Constitution even had the unexpected happened and the referendum been favorable. Moreover, without a convention there would be no opportunity for consideration of amendments, which would incorporate in the Constitution changes that might win approval. In Providence only one freeman voted in town meeting, and he said "nay," although the town was almost unanimous for ratification. Coventry, Cranston, Foster, New Shoreham, North Providence, and Scituate also cast no votes for ratification, and Johnston, Newport, Richmond and South Kingstown only one each, against large votes, except in Newport, for rejection. Only two towns, Little Compton, 63-57, and Bristol, 26-23, returned majorities favorable to the Constitution. Newport voted 10-1 negative, but two days after the referendum the town meeting in Newport reassembled and instructed the Newport Deputies in the General Assembly to vote for a constitutional convention. Bristol and Providence freemen sent petitions to the General Assembly requesting a convention. The House of Deputies in March, 1788, voted down a proposal to call a constitutional convention, and thus the matter rested in Rhode Island, with two negative votes on the main question and an adverse referendum on the Constitution.

COUNTRY VS. TOWN—When news reached Rhode Island, on June 24, that the New Hampshire convention had ratified the Constitution, and thus the nine states necessary for putting the new plan into operation had acted favorably, informal celebrations were inaugurated by friends of the Constitution. Three days later a public meeting of citizens in Providence planned for July 4 a celebration of the adoption of the Constitution by nine states and of the anniversary of the Declaration of Independence, the exercises to include a barbecue on Jefferson Plain, north of the Cove. Special invitations were sent to the Governor, Assistants, general officers and judges, and a general invitation to the people of town and country was pub-

lished in the "Providence Gazette" and "United States Chronicle." The country was aroused to prevent the celebration, and on the evening of July 3 some 3000 armed men were moving on Providence, 1000 of whom had gathered near Jefferson Plain before midnight. Fortunately there was no resort to violence; committees representing town and country met early on the morning of July 4 and reached an agreement that only American independence should be celebrated; that the town "would not celebrate the day on account of the adoption of the new Constitution by nine states, or on account of said Constitution in any respect whatever; that no salute should be fired or toasts drunk in honor of said Constitution, or in honor of any state or states which have adopted said Constitution; that they would only honor the day by a discharge of thirteen cannon and thirteen only, that the celebration of the day should be in honor of the independence of America and that only, and that they would not publish or cause to be published any account contrary to said agreement." David Howell, that staunch opponent of a Continental impost and defender of the liberties of the people, was one of the town committee—he was in 1788 an aggressive supporter of the Federal Constitution! The celebration continued as agreed, and the farmers retired. On July 5 citizens of Providence fired a salute of ten cannon to celebrate ratification by ten states, following news that the Virginia convention had acted favorably. In April, 1788, the freemen in election meetings had chosen delegates to the Continental Congress to meet in November. Again in April, 1789, the Rhode Island freemen chose delegates to the Continental Congress to meet in November, 1789. The Continental Congress of 1788-89 did not succeed in organizing. When the spring election of 1789 was conducted in Rhode Island the First Congress under the Constitution, eleven states represented, had already organized, and the inauguration of George Washington as President was to follow within a few days on April 30. As Rhode Island elected the first delegates to the Continental Congress in 1774, fifteen years later she elected the last delegates; but there was then no Continental Congress, *and Rhode Island was no longer one of the United States of America.*

RHODE ISLAND DELAYS ACTION—The constitutional convention in New York suggested the calling of a general interstate convention to consider amendments to the new Constitution, and the Rhode Island General Assembly, in October, 1788, referred the New York letter to town meetings "to give their Deputies instructions whether they will have Deputies appointed to meet in convention with the state of New York and such other states as shall appoint the same." The response was indifferent; eight towns favored an interstate convention; five favored a Rhode Island convention to adopt and ratify the Constitution; seventeen were content with the Articles of Confederation. Five hundred citizens of Providence, in May, 1789, petitioned the General Assembly to call a convention, picturing the poverty of the state to follow the destruction of commerce, already threatened by the framing in Congress of a "bill laying such heavy imposts upon articles transported from hence to any of them, as well those of the growth and manufacture of this state as foreign merchandise, as will amount to a prohibition." The House of Deputies had already voted five times against calling a convention: (1) in February, 1788, by 30 majority; (2) in March, by 27; (3) in October, by 26; (4) in December, by 22; (5) in March, 1789, by 18. A motion to call a convention was presented and debated in May, 1789, and was postponed to an adjourned session in June, when the vote was negative, 32-22, 15 being absent. At a special session in September, 1789, the General Assembly, asserting that they, "on the most careful examination of the powers vested in them by the freemen of this state, are of the opinion that the same are limited to the administration of the existing constitution of the state, and do not extend to devising or adopting alterations," directed the freemen in town meetings to give "instructions to the representatives respecting the appointment of a state convention for the purpose of considering

and determining on said Constitution, to the intent that this Assembly, at their session in October, next, may be fully acquainted with the sentiments of the people at large relative to calling a convention for the purpose aforesaid." In a letter to "the President of the Senate and the House of Representatives of the eleven United States of America in Congress assembled," adopted at the same session, the Assembly declared:

'The people of this state from its first settlement have been accustomed and strongly attached to a democratic form of government. They have viewed in the new Constitution an approach, though perhaps but small, toward that form of government from which we have lately dissolved our connection at so much hazard and expense of life and treasure. . . . Can it be thought strange, then, that with these impressions they should want to see the proposed system organized and in operation, to see what further checks and securities would be agreed to and established by way of amendment, before they could adopt it as a constitution of government for themselves and their posterity? These amendments, we believe, have already afforded some relief and satisfaction to the minds of the people of this state, and we earnestly look for the time when they may with clearness and safety, be again united with the sister states, under a constitution and form of government so well poised as neither to need alteration or be liable thereto by a majority only of nine states out of thirteen, a circumstance which may possibly take place against the sense of a majority of the people of the United States.

To this expression of a conciliatory attitude was added:

We are induced to hope that we shall not be altogether considered as foreigners having no particular affinity or connection with the United States. But that trade and commerce, upon which the prosperity of this state so much depends, will be preserved as free and open between this and the United States as our different situations at present can possibly admit; earnestly desiring and proposing to adopt such commercial regulations on our part as shall not tend to defeat the collection of the revenue of the United States, but rather to act in conformity to, or coöperate therewith, and desiring also to give the strongest assurances that we shall, during our present situation use our utmost endeavors to be in preparation from time to time to answer our proportion of such part of the interest or principal of the foreign and domestic debts as the United States shall judge expedient to pay and discharge. We feel ourselves attached by the strongest ties of friendship, kindred and of interest with our sister states, and we cannot without the greatest reluctance look to any other quarter for those advantages of commercial intercourse which we conceive to be more natural and reciprocal between them and us.

Congress also was conciliatory; amendments to the Constitution, including what were to be the first ten amendments, had already been submitted to the states; the time would come when Rhode Island could ratify the Constitution and then ratify the amendments as the state necessary to give the latter binding effect as part of the Constitution. Moreover, Congress suspended from time to time the impost and tonnage laws, while Rhode Island was working out in its own way the problem of ratifying the Constitution. The wholesome restraint exercised at this particular period no doubt was due in large part to the firmness of Washington, who was less impetuous than Hamilton and other Federalists. Early in October, at a special session, the Assembly ordered 150 copies of the amendments proposed by Congress printed and sent to the towns for consideration by the freemen in the October town meetings. A new House of Deputies was elected in October. On the question of calling a convention it voted no, 39-17. North Carolina ratified the Constitution in November, 1789, and Rhode Island stood alone. The journal of the General Assembly for the May session, 1789, concluded "God save the State," instead of "God save the United States of America."

A MINISTER WENT TO CHURCH ON SUNDAY—The General Assembly met in Providence January 11, four days before the United States revenue and tonnage laws, suspended as to Rhode Island, were to become completely effective. The firm attitude of the General Assembly on this occasion refutes the suggestion that Rhode Island was coerced into joining the

union by fear of loss of trade and commerce. The question of calling a constitutional convention was not moved until the morning of January 15; it was debated through the day, and carried, 34-29, so late in the day that when sent to the Assistants for concurrence, the latter postponed action until Saturday, January 16. Late Saturday evening adjournment was taken to Sunday, the Deputy Governor and four Assistants having voted no, and four Assistants, yes, on the question of concurrence with the Deputies. Thus the proposition was lost by one vote in the House of Assistants; had the Governor voted, the result would be either a more pronounced negative, or a tie vote, which would still be negative as non-concurrence. The Assistants on Friday had passed a bill referring the question of calling a convention to the freemen in town meetings for instructions to the Deputies; it was rejected by the Deputies. On Sunday the Deputy Governor introduced a similar bill, which the Assistants passed, and the Deputies rejected. On Sunday a fresh bill ordering a convention was introduced in the House of Deputies, and passed, 32-11. One of the Assistants, a minister, had withdrawn from the body to attend to church duties, when this bill was taken up. The vote was, four Assistants, yes; the Deputy Governor and three Assistants, no. *Governor John Collins broke the tie by voting yes.* The bill thus passed ordered elections in town meetings of delegates equal to the number of Deputies to which each town was entitled in the General Assembly, the delegates to meet in convention at South Kingstown on the first Monday in March; and authorized the convention "finally to decide on the said Constitution as they shall judge to be most conducive to the interests of the people of this state." Before adjournment the Assembly requested Congress to suspend for a further period "acts of Congress subjecting the citizens of this state to foreign tonnage and foreign duties." The resolution calling the convention authorized the latter to report directly to the President of the United States, and the matter thus passed out of the control of the General Assembly.

AND A CONSTITUTIONAL CONVENTION ASSEMBLED IN RHODE ISLAND—The convention met at South Kingstown on March 1, with seventy delegates, a complete representation from every town, present. The delegates had been selected with reference to their known opinions as to the issue; some town meetings had instructed their delegates to support, or to oppose, the Constitution. The election of Daniel Owen, Deputy Governor, as President indicated that the opponents of the Constitution were in control at the opening session. The delegates included thirty-nine Deputies, two Assistants and the Deputy Governor\* from the General Assembly of 1789; thirty-seven Deputies, one Assistant, and the Deputy Governor\* from the General Assembly of 1790. Thus more than fifty per cent. of its membership was recruited from the men prominent in the political life of the state at the time. Of the men who had been leaders in the early days of the Revolution, Stephen Hopkins, Nicholas Cooke, James M. Varnum, and Nathanael Greene were dead. Honored as a military genius, Greene's talent as a politician, displayed when by successful lobbying in Congress he saved Washington from removal through the Conway cabal, has received little attention; Jonathan Arnold had removed to Vermont; Greene had removed to Georgia and died; Varnum had been appointed a Federal judge in the Northwest Territory, and died shortly after at Marietta, Ohio. The members of the convention were able, and their debates and procedure were dignified. Only an incomplete journal of the convention, with fragmentary minutes and other notes, have been preserved. From these it appears that there was a thorough discussion of the Constitution of the United States section by section, beginning so early as the third day, the convention having proceeded to perfect its organization promptly by adopting rules of order. One of these postponed the vote upon the "grand question for the adoption or rejection of the Constitution" until motions for amendment or adjournment had been determined, a business-like rule that

\*Not the same. Samuel J. Potter had succeeded Daniel Owen in 1790.

would prevent a hasty decision without an adequate discussion. The convention adjourned on Saturday, March 6, to meet at Newport on the fourth Monday in May. Meanwhile the draft of a bill of rights and proposed amendments to the Constitution were ordered printed and referred to the freemen in town meetings on the third Wednesday in April. The motion to adjourn was interposed to defeat a motion to ratify the Constitution; it was carried 41-28. The delegates from Barrington, Bristol, Cumberland, Jamestown, Little Compton, Newport, Providence, Tiverton, Warren, and Westerly, and two from Warwick voted against adjournment. President Owen did not vote.

**THE CONSTITUTION RATIFIED**—The convention reassembled at Newport on May 24, but adjourned for want of a quorum until the following day, when all were present, including Benjamin Bosworth, of Warren, who replaced General Nathan Miller, deceased. The town meetings had adopted various instructions to their delegates with reference to the Constitution, bill of rights and amendments; and Providence in town meeting had authorized its delegates to meet delegates from other towns in a convention purposing secession from Rhode Island and an appeal to Congress for admission to the union, if ratification in convention failed. A motion to adjourn, introduced on May 26 to defeat a motion for immediate ratification, was rejected. The debate proceeded on May 27 and 28, when adjournment was taken to three o'clock, Saturday afternoon, May 29. Portsmouth and Middletown, since the convention met, had instructed their delegates to vote for ratification. The question of ratification was put at 5:20 o'clock Saturday afternoon and carried 34-32. The delegates from Barrington, Bristol, Cumberland, Hopkinton, Jamestown, Little Compton, Middletown, Newport, Providence, Tiverton, Warren and Westerly, and two each from Portsmouth and Warwick voted yes. One Portsmouth delegate voted no, and the fourth Portsmouth delegate and the two New Shoreham delegates were absent. President Daniel Owen did not vote. The act to ratify, included a bill of rights in eighteen sections, one of which declared "That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and inalienable right to the free exercise of religion, according to the dictates of conscience; and that no particular religion, sect or society ought to be favored or established by law in preference to others," and another "that any person religiously scrupulous of bearing arms ought to be exempted, upon the payment of an equivalent to employ another to bear arms in his stead." Ratification was unconditional, "in full confidence, nevertheless, that until the amendments hereafter proposed shall be agreed to and ratified," Congress should not call out the state militia for a longer term than six weeks without the consent of the General Assembly; should not change the time, place or manner of electing Senators and Representatives; and should not levy direct taxes except by requisition addressed to the General Assembly.

The convention proposed twenty-one amendments to the Constitution including (1) a guaranty to each state of its sovereignty, freedom and independence; (2) state regulation of elections of Senators and Representatives in Congress; (3-5) limitation upon the judicial powers of the United States; (4) ratification of amendments after 1793 by not less than eleven of the original states; (6) military duty only by voluntary enlistment except in cases of general invasion; (7) no capitation or poll taxes; (8) direct taxation only by requisition addressed to the state; and (9) only with the consent of three-fourths of the state; (10) prompt publications of journals of proceedings of Congress; (11) annual publication of receipts and expenditures of public money; (12) no standing army in time of peace; (13) no borrowing on the credit of the United States without the assent of two-thirds of each house; (14) declaration of war only with the concurrence of two-thirds of each house; (15)

forbidding absolutely acceptance by any officer of the United States of "any present, emolument, office or title of any kind whatever from any king, prince or foreign state," by expunging the words "without the consent of Congress" from the seventh paragraph of article I, section 9, of the Constitution; (16) forbidding judges of the Supreme Court to hold any other office under the United States, and federal officers to hold state offices; (17) effectually preventing the importation of slaves of every description into the United States "as disgraceful to the cause of liberty and humanity"; (18) recall by the state legislatures of Senators and Representatives in Congress; (19) a uniform rule of inhabitancy or settlement of poor; (20) no chartering of corporations by Congress; (21) a record vote in Congress on the request of two members. In large part the principles of the program indicated by the proposed amendments, have become established by practice, and precedent, if not by law, in the United States; some of the proposed amendments were too restricting, however.

RHODE ISLAND RETURNED TO THE UNION—To the General Assembly elected in May, 1790, remained the work of enacting the legislation and performing several functions necessary to carry the ratification completely into effect and to establish constitutional relations with the United States of America. The May session had adjourned previous to the conclusion of the constitutional convention. The General Assembly met again to hold its first session as a legislature for a state, one of the United States of America under the Constitution. The Governor, Deputy Governor, Assistants, Deputies (except four not present) and general state officers took the oath or affirmation to support the Constitution of the United States required by the Constitution, and the Governor was directed to issue a proclamation notifying all executive and judicial officers of the state of their obligation to do likewise. Eleven of twelve amendments to the Constitution proposed by Congress were ratified, ten of which, the first ten amendments to the Constitution of the United States, became effective by Rhode Island's ratification. Joseph Stanton, Jr., and Theodore Foster were elected in grand committee as Rhode Island's Senators in Congress, and a special election of a Representative was ordered. Benjamin Bourn was declared elected as Representative when the proxies were counted in September. In the exuberance of good feeling prevailing the General Assembly authorized a loan of \$150 each to the Senators "to enable them to take their seats in Congress," a measure remarkable by contrast with the delay in providing expense money for the delegates to the Continental Congress. President Washington, who, in his earlier visits to New England after April 30, 1789, had avoided Rhode Island as "foreign territory," visited Rhode Island in August, 1790. With him were Thomas Jefferson, Secretary of State; Theodore Foster, Senator from Rhode Island; Governor Clinton, of New York; Judge Blair, Messrs. Smith of South Carolina, and Gilman of New Hampshire, members of Congress. The party was welcomed in Providence by a federal salute, bell ringing and a procession of escort to the Golden Ball Inn, opposite the State House on Benefit Street. In the evening Rhode Island College was illuminated. After a visit with Governor Fenner on the following day to places of interest, a dinner was served at the State House. The party returned to New York, as it came, by packet. The Rhode Island General Assembly at the October session addressed a letter of congratulations and good wishes to the President. Rhode Island was now a state in the union. The journal of the General Assembly for the June session, 1790, closed with "God save the United States of America."

AN EVALUATION OF RHODE ISLAND'S POSITION—In recent years, because of careful and critical studies of the period of seven years from the treaty of peace with Great Britain in 1783, to Rhode Island's ratification of the Constitution in 1790, there has been a modification of the tendency, manifested in early years, to condemn Rhode Island's behavior utterly. Three general statements: (1) that Rhode Island's objection prevented a federal impost

when the Congress of the United States seriously needed revenue; (2) that Rhode Island ignored the request to send delegates to Annapolis, which was not true, and the call for the constitutional convention; and (3) that Rhode Island was last to ratify the Constitution of the United States, have been printed without explanation or with implications of hostility to the union. No small part of the odium and reprobation cast upon the state have arisen from statements printed in the newspapers of the period, a time in which partisanship was vituperative and editors touched depths in belching defamation that recalled the pamphleteers of the seventeenth century. Rhode Island writers, with few exceptions, have apologized for Rhode Island's acts and attitude during the period, and thus by "confession and avoidance" have not helped the good name of the state of Rhode Island. In large part the apologists were overcome by an obsession that loyalty to the Constitution and to the United States would not permit a thought even, that Rhode Island in its staunch and fearless stand against federation might be right, forgetting that Rhode Island always has been a place "*ubi sentire quae velis et quae sentias dicere licet.*"

As to the impost, Rhode Island had a perfect right under the Articles of Confederation to refuse consent, in spite of acquiescence by the twelve others. Had Rhode Island given consent, it appears likely now that the Confederation would have continued in weakness for a longer period and thus delayed the Constitution, or would have been merged into the national republic feared at the time because of its effects upon local self-government, which was precious as it is today for preserving individuality in the states. It is to be recalled also that Virginia and other states withdrew ratification of the impost proposed in 1781, and that Rhode Island's conditional ratification of the impost proposed in 1783 did not become effective because other states ignored the request of Congress at that time.

As to the Annapolis conference, Rhode Island elected delegates and sent them forward. Rhode Island's inaction with respect to the constitutional convention at Philadelphia is to be regretted *principally because that convention was thus deprived of the wisdom that resided in Rhode Island from long experience with democracy*, and because the Rhode Island point of view was not presented or considered. *De jure* the Philadelphia convention was revolutionary, and the Constitution was drafted as the first step in a *coup d'état*. Patriots of the type of Patrick Henry declined election to the Philadelphia convention, and subsequently opposed the Constitution. It is more than doubtful that the Philadelphia convention could be held were Thomas Jefferson not abroad at the time. The convention was as revolutionary and as radical from a purely constitutional point of view with reference to the Articles of Confederation as would be a convention to overturn the present Constitution of the United States. Some of the delegates elected to the Philadelphia convention, including Lansing of New York, went home when the convention resolved itself into a body to draft a new constitution rather than to propose amendments to the Articles of Confederation, which was the function assigned by Congress. Twenty-two of sixty-one delegates elected did not sign the Constitution, including among these Elbridge Gerry of Massachusetts and Edmund Randolph of Virginia. There was a difference of opinion and Rhode Island was as much entitled to an opinion as any other state.

As to ratifying the Constitution, Rhode Island delayed until amendments were proposed, and Rhode Island could ratify them with the Constitution thus modified. The process of ratification was not easy or unanimous except in the small states of Delaware and New Jersey, and by Georgia, none of them self-reliant from long experience with democracy as was Rhode Island. In Pennsylvania the order for a constitutional convention was rushed through an expiring legislature, lest the next one elected by the people be opposed; the vote against the Constitution in Pennsylvania was one-third of the membership. Connecticut was compliant, but Massachusetts was militant in opposition. The vote in Massachusetts was 187 to 168,

the victory a triumph for the political ambitions of Adams and Hancock; had districts opposed to the Constitution sent delegates to vote no, instead of refusing to send delegates at all as a protest, the Massachusetts convention would have rejected the Constitution. Maryland, a small state, voted 63-11 for the Constitution. South Carolina fought the battle out, 140-73, as did New Hampshire, 57-46. The struggle in Virginia was worthy of a commonwealth that produced a Washington, a Jefferson, a Madison, a Henry, a Marshall, and a Randolph in a single generation. Washington, Madison and Marshall supported the Constitution; Patrick Henry and Randolph opposed it; Jefferson was anti-federalist, and abroad. The single vote cast by Governor Collins in Rhode Island to break a tie and order a convention had its parallel in Virginia, where the Governor, who had been hostile to the Constitution, was persuaded overnight by the pleadings of Washington to change his attitude and cast a favoring vote. Patrick Henry fought valiantly against ratification, and then, noble warrior that he was, was equally vigorous in sustaining the Constitution. In New York the opposition of Governor Clinton went down before the eloquence of Alexander Hamilton. There was glorious opposition to the Constitution, and greater glory in the good feeling with which the contest ended. Rhode Island need feel no shame for standing with the opposition, including as it did great Americans. Had the question of what should be done been so obvious as not to provoke discussion and consideration, and then a battle of giants, Rhode Island's opposition would have been insignificant, petty and negligible. As it was, while the continued opposition after the inauguration of the new federal government was stubborn, no good Rhode Islander should feel otherwise than proud that his state, the smallest in territory, proved its greatness by insisting on settling this question as others in her own time and in her own way. Throughout the struggle for and against ratification Rhode Island displayed a fine respect for the opinions of her citizens, in the frequent appeal to the referendum, that is almost without parallel in the history of democracy. In thus frequently consulting the wishes of the freemen and pushing away repeatedly the temptation to act decisively in furtherance of their own wishes, the members of the General Assembly were acting as true Rhode Islanders mindful of over a century and a half of democracy in the Narragansett Bay country. Whether Roger Williams and John Clarke might have been federalists or anti-federalists, and the probability is that Clarke would have been federalist and Roger Williams anti-federalist had they lived near the end of the eighteenth century, both would have approved Rhode Island democracy in its stand for a satisfactory Constitution, even if it required seven years to accomplish it.



## CHAPTER XV. COMMERCE AND INDUSTRY—REHABILITATION.



RHODE ISLAND emerged from the Revolutionary War as a republic, the independence of which had been recognized by France and Spain, and acknowledged by Great Britain in the treaty of peace. The new international status was indicated by the presentation of commissions by Sieur Philip Joseph de L'Tompe as Consul General of France and by Monsieur Joseph Marie Solomon Toscan as Vice Consul of France, and the issuing of exequaturs to them by the Governor in 1783. There was technical accuracy in this diplomacy; the United States as a nation was still to be achieved, and international relations remained to be simplified under the Constitution. The government established under the Charter of 1663 had guided the colony to May 4, 1776, and the state thereafter. As a republic Rhode Island had had continuous existence for 147 years, 1636-1783, first as a colony in the British Empire, and later as a state battling to establish its independence. In its general organization, the Rhode Island government might serve as a model for the new federal government that was to be organized under the Constitution, with its elected executive, its popular bicameral legislature, and its independent judiciary. The innovations in American federalism that distinguished it from all earlier confederations lay in careful balancing of functions betwixt central government and state governments in such manner as to assure strength to the former in national affairs and international relations, and autonomy and local regulation by the latter of purely state matters; and the dual citizenship of inhabitant in nation and in state.

The government in Rhode Island in 1783, as indicated by its general officers, consisted of a Governor and Deputy Governor elected by the people balloting in town meetings; ten Assistants, also elected by the people, and with the Governor and Deputy Governor constituting the less numerous branch of the General Assembly; and seventy Deputies, elected by the people in town meetings to represent the thirty towns in a House of Deputies, constituting a coördinate branch of the General Assembly. The General Assembly combined executive and administrative with legislative functions, which occasioned frequent meetings and the passing of special orders and resolutions in great volume dealing with matters that are in modern organizations entrusted to officers or commissions or to adjustment by judicial procedure. The Assembly elected annually three general officers, corresponding to the Secretary of State, the Attorney General and the General Treasurer. While the General Assembly was peripatetic, and the new state had five capitals, or five places where the legislature met—Newport, Providence, South Kingstown, East Greenwich, and Bristol (after 1785)—the seat of government was at Newport. There the annual election meeting was held in May; thither the General Assembly ordered the general treasury returned in 1784, in spite of protest of Deputies from Providence County and Warwick that Newport, off the mainland, was remote and inaccessible. The general treasury had been removed from Newport to Providence early in the war as a precaution against capture by the British; it was returned, lest prestige depart from the island seaport. Daniel Updike of Kingston, was elected as Attorney General in 1790; within a year the General Assembly, resolving that "from the distance of the Attorney General's residence from the principal shire towns in the state, his advice upon important questions which interest the state is often with difficulty to be obtained as soon as is useful to the community," elected William Channing of Newport, "to assist the said Attorney General in all matters which concern the state during the time of the Attorney General's present appointment," and in 1791 replaced Updike by Channing. The judicial system consisted of a Superior Court,

five justices, and five courts of common pleas, one for each county, with five justices each. All judges were elected annually by the General Assembly. The principle of a separate, if not an independent, judiciary was recognized in an act, 1780, declaring it "incompatible with the constitution of this state for the legislative or judicial powers of government to be vested in the same persons," and excluding members of the General Assembly from election as justices of the Superior Court; and an act, 1783, excluding justices of the courts of common pleas from membership in the General Assembly. The principle of an independent judiciary was to be enunciated in the discussion of the decision in the case of *Trevett vs. Weeden*, 1786. The General Assembly elected annually a sheriff for each of the five counties; an intendant of trade for each of the ports of Newport and Providence; and officers for the militia, consisting of eleven regiments in five brigades, commanded by a major general. While suffrage was restricted to freeholders, no other discrimination was practiced. With the end of the Revolution the test oath administered for the purpose of excluding the disloyal from participation in government and from other privileges, was replaced by a simple oath or affirmation of loyalty to the state. When it became certain that the Revolution had been successful, Rhode Island removed from the statute book language that had been printed probably\* to meet an emergency in colonial relations with England. The Rhode Island General Assembly, at the February session, 1783, enacted "that all the rights and privileges of the Protestant citizens of this state . . . be, and the same are hereby, fully extended to Roman Catholic citizens; and that they, being of competent estates, and of civil conversation, and acknowledging and paying obedience to the civil magistrates, shall be admitted freemen, and shall have liberty to choose and be chosen civil or military officers within this state, any exception . . . to the contrary notwithstanding." With equal tolerance, in the following year, the rights of Sabbatarians were recognized in an act permitting them and others "paying a religious and legal deference to the seventh day of the week as their Christian Sabbath . . . to labor in their respective possessions on the first day of the week . . . and quietly and peaceably to pass and repass on foot or on horseback for that purpose, any former law, custom or usage to the contrary notwithstanding, provided, nevertheless, that this act shall not extend to the liberty of opening shops or stores on the said day for the purpose of trade and merchandise; nor to the lading, unlading or fitting out of vessels; nor to the working at the smith's business, or any other mechanical trade in any compact place, nor to the drawing of seines, or fishing or fowling in any manner in public places, and off their own possessions." Such generous recognition of the rights of the common man, characteristic of Rhode Island, were novel in the eighteenth century and even later; the Supreme Court of Massachusetts, a commonwealth in which all inhabitants were taxed to support an established ministry, in answer to the petition of a Catholic citizen who had built a chapel, "and, considering that in the maintenance of this chapel he was doing his part in the support of religion," requested that he "be relieved of the ministerial tax or to have his portion of it devoted to the support of his pastor," held in 1801: "The (state) constitution obliges everyone to contribute for the support of Protestant ministers and them alone. Papists are only tolerated, and as long as their ministers behave themselves well, we shall not disturb them, but let them expect no more than that."

POST WAR MEASURES—The end of the war occasioned other measures. Barracks and other military property were ordered sold. The lighthouse on Beaver Tail, destroyed by the British, was rebuilt, and tonnage duties were increased for the time being to cover the expense thereof. Following ratification of the Constitution, the lighthouse was surrendered to the care of Congress. Rhode Island continued to maintain a garrison at Fort Washington, at the entrance to Newport harbor, for a time after ratification; the fort was also surrendered to the care of Congress. Lotteries were granted to assist in restoring property damaged during the war, including one to replace the church of the First Congregational Society of Newport,

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\*Chapter IX.

abandoned, after use by the British, in such condition that it could not be repaired, and two dwelling houses belonging to the same society, totally destroyed by the British; another, to repair the church and parsonage of the Second Congregational Society in Newport, which the British had used as hospitals; another to rebuild St. Michael's Episcopal Church in Bristol, which had been wantonly burned by the British during a raid on the town; and another, to repair the church of the Congregational Society of Tiverton, which had been used as barracks by Rhode Island troops. Confiscated estates remained to be disposed of by sale or lease or grant to soldiers in commutation of back pay or depreciation of currency. Particularly, the General Assembly was concerned with safeguarding the rights of minor heirs, widows, creditors and other claimants against confiscated estates; and, on occasion, with restoring an estate that had been confiscated, on satisfactory demonstration that the owner, absent under circumstances that suggested questions as to his loyalty to America, had not been disloyal, but had been detained abroad for good reasons. Soldiers, including Nathanael Greene and Silas Talbot, presented requests for payment of salaries or for reimbursement for losses due to depreciation of currency. Greene returned from the war in such financial straits that he asked and was granted an immediate advance on his claim for back pay, while the latter was being adjusted. Provision was made for wounded soldiers and others incapacitated because of sickness or exposure during military service, and also for widows and orphans of soldiers. Eventually the pension list was transferred to the new federal government. Some inhabitants who had left the state during the war returned and petitioned for restoration of civil rights; their cases were investigated before the petitions were granted. Stephen Hopkins, James M. Varnum and Rouse J. Helme were appointed as a commission to revise the laws of the state, because "a variety of laws have been made and passed . . . . during the late war that originated from the necessity of the times, and are not applicable in times of peace, which have not been amended or repealed; and . . . . there are other laws, founded on the former principle of the government of this state while it was a colony, but which are now repugnant to the rights of the citizens as established by the revolution; and . . . . it becomes necessary as well to define the distinct powers of the various branches of government as to make provision in many cases where the laws are silent." Stephen Hopkins died July 13, 1785, before the work of the commissioners had been completed. The commission reported to the General Assembly at the March session, 1786, and the report was referred back to the former commissioners, with ten others, for reexamination and further revision.\* The statute of limitations, which had been repealed in 1775 as a measure to encourage creditors to be lenient with debtors, was reenacted in 1775. A war-time measure forbidding the distilling of Indian corn, rye, barley, oats or cider, was repealed in 1789, although in the same year the state faced a food shortage that was relieved by placing an embargo on grain. Not all the laws of the period were post-war adjustment measures, however, thus: "an act to prevent melon stealing" established a penalty for depredations on melon patches, held not to be larceny and punishable as such, because melons attached to the vine were "real estate" at common law, and larceny was an offence against "personal property." Rhode Island enacted a copyright law to protect authors for a period of twenty-one years in their rights and profits.

The Friends petitioned the General Assembly to abolish slavery, and in 1784, a statute declared all persons born in Rhode Island after March 1 free, as "all men are entitled to life, liberty and the pursuit of happiness," and permitted manumission by owners of slaves without imposing upon the owners the obligation of supporting them. The act of 1784 required town councils to make adequate provision for supporting, maintaining and educating children born of slave mothers and freed by the act; it was amended subsequently in such manner as to impose this burden on towns only if the owner of the slave mother freed her; if the owner continued to claim the slave mother he must provide for the children, who had been freed.

\*A revision was published in 1798.

The repeal of a statute that permitted importation of slaves in trade, provided the slaves were withdrawn from the state in one year, forbade the importation of slaves under any circumstances. The Providence Society to Abolish Slavery was incorporated in 1790.

Newport was incorporated as a city in 1784, with a mayor and clerk, and a city council consisting of four aldermen and six common councilmen, to replace the town meeting; two years later a small number of freemen of Newport petitioned the General Assembly for repeal of the city charter. The petition alleged that the incorporation of Newport as a city introduced "a mode of government, novel, arbitrary and altogether unfit for free republicans," and that under the city plan the petitioners "have experienced many inconveniences and indignities unknown to them before . . . . , injurious to their property and civil liberty, and incompatible with the rights of freemen; that the choice of mayor, aldermen and common council is effected by a few leading, influential men, who, when chosen, have the appointment of all the city officers independent of the suffrages of the people, which they conceive to be a derogation of those rights and immunities which freemen are indisputably entitled to, and for which so much blood and treasure has been exhausted," etc. The charter was repealed, and the town form of government was re-established in Newport; although there was reason for believing that the movement to abolish the city was not so much a spontaneous outburst of democracy as a measure whereby one group of politicians sought to displace another group in control of the government of the community. The episode, including the local disagreement, forecasted the twentieth century agitation in Newport for "reform" of the city government, including an experiment with a novel type of representative council.

Town councils were authorized to draw jurors in 1792, to relieve the freemen from the burden of special town meetings; on the other hand, the General Assembly avowed its own choice of presidential electors in 1792 not to be a precedent, and declared that thereafter the choice should be made by the freemen. The General Assembly did not fulfil its implied promise; in 1796 it chose presidential electors.<sup>†</sup> After that, beginning in 1800, Rhode Island's record of popular election of presidential electors was unbroken. With the exception of Virginia, which provided for popular election in 1788, Rhode Island's record was the most consistent of all the original states. Another measure indicating the extension of democracy, 1792, provided for equal inheritance of intestate estates, the eldest son losing his right to a double share. To relieve the inhabitants of some of the burden of direct taxation for the support of the state government an impost was levied. A state tax of £20,000 was laid upon estates to meet a continental requisition in 1784. The state and the people were poor; in very large part the coin that had been put into circulation by the French army agents for the purchase of food and supplies had been drained from the state. Cash was very scarce; so difficult to obtain that the time for paying taxes levied in specie was extended occasionally as a measure of justice to willing but delinquent taxpayers. In spite of genuine hardship existing in all parts of the state, there was some optimism in Rhode Island. Newport sought a grant of land and a lottery from the proceeds of which other land was to be purchased for park purposes, south of the Parade. The first Thursday in December, 1785, was observed as Thanksgiving Day, because "it is highly becoming all states and governments to make public acknowledgments, with thanksgiving, to the Creator and Supreme Governor of the Universe for all His mercies." The proclamation by the Governor, as ordered by the General Assembly, declared, "public thanksgiving to Almighty God for the enjoyment of the exercise of our rights and liberties, religious and civil; for the means of a Christian and liberal education; for blessing the labor of our hands, in giving us to reap plentifully the fruits of the earth in their due season, and for all His other mercies, particularly during the year past."

Renewal of trade with Great Britain and the British colonies, formerly the principal

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<sup>†</sup>The Assembly in each instance divided the electors, two Federalists, two Republicans, but the electoral vote was cast for the Federalist candidates.

source of wealth, was indicated in a statute permitting clearance of vessels for British ports and entering of vessels from British ports; but Great Britain's trade policy with America was not generous after the war, and Rhode Island joined other states in 1785 in enacting statutes levying both export taxes on cargoes destined for British ports and impost taxes on cargoes originating in British ports, the purpose being to show Great Britain that in international relations America was still united. Additional to imposts for revenue purposes, "an act for laying additional duties on certain enumerated articles, and for encouraging the manufacture thereof within this state, and the United States of America" was passed in 1785. This "protective" measure named a long list of commodities that had been or could be manufactured in America from raw materials produced at home. The protective policy, thus early inaugurated, was promoted later by the incorporation of the Providence Association of Mechanics and Manufacturers, 1789 and the Newport Association of Mechanics and Manufacturers, 1792, each "for the purpose of promoting industry, and giving a just encouragement to ingenuity, that our own manufactures may be improved, to the general advantage not only of the manufacturers themselves, but of the state at large; and for raising a fund . . . for the purposes aforesaid." Both associations were active over a period of years in promoting measures of economic import, and the Providence association became a powerful influence in furthering public education. The war-time act empowering twenty-one Deputies and five Assistants to function as the General Assembly was repealed in 1784, and the quorum of a majority of the Deputies (36 of 70) and six Assistants with the Governor or Deputy Governor was reestablished.

**ECONOMIC RELIEF DEMANDED**—Economically Rhode Island had been impoverished by the war. Besides the actual destruction of property valued at probably not less than \$500,000; the draining of resources through drastic taxation; heavy interest charges on accumulating indebtedness; assumption for soldiers of the losses involved in a depreciating currency; the stagnation, if not almost the destruction, of trade and commerce and marine carrying as the principal measures for increasing wealth; and the state's advances beyond its legitimate share of war expenditures to the continental treasury—loan office and federal certificates issued to citizens of Rhode Island as evidence of debts, amounted in 1785 to \$800,000 to \$900,000. Farmers and landholders, as is usually true under circumstances of financial stress, were heavily indebted to merchants and traders; the latter were embarrassed by the accumulation of claims, promissory notes, mortgages, and other evidence of indebtedness, instead of the ready money which is the life of commerce. The world had changed little at the close of the eighteenth century from those days in ancient civilizations in which leaders of revolutionary movements promised relief to debtors by "new tables" for the settlement of debts, or in which the founders of new dynasties or newly enthroned monarchs reminted coinage at lower precious metal content, partly for the seignorage accruing from debasing the currency by short weight, and partly to win the praise and support of those of the debtor class, usually a majority, who shared in the profit by more advantageous settlements with their creditors, as they paid the amount of their debts in the money of the land, but with money of a lower value than that which had been current when the debts were incurred. Cheaper money is favorable to debtors; on the other hand, money rising in purchasing power, and therefore dearer, is an injustice to debtors, as it forces them to repay debts in money of higher value.

Rhode Island turned to the emission of paper currency in 1786 as a measure for relieving the insolvency, if not to prevent the utter ruin, facing many of the farmers and landholders. A petition, requesting the creation of a "land bank" was presented to the General Assembly at the February session, 1785, and rejected summarily. The "bank" enlisted the support of the farming towns; it was opposed by the commercial towns, and also by some who were familiar with colonial experience with paper money, and who did not wish a repetition of it. The matter did not rest with rejection by the Assembly. The agrarian discontent that had occasioned

riotous demonstrations against tax collection in 1783 was smouldering; the “bank” project was converted into an issue betwixt farmer and merchant, and betwixt country and town. The opposition recognized the gravity of the situation and sought to stem the rising tide of demand for paper money.

**PROTEST AGAINST PAPER MONEY**—The General Assembly, in 1786, received “the memorial and remonstrance of sundry inhabitants of the town of Providence and others, freemen of the state,” protesting against the emission of paper currency and suggesting another program for relief. Admitting that “the operations of this paper credit, under certain circumstances and to a certain degree, may be useful to a state, as well as to individuals,” the petitioners argued that the paper “must either remain at par with the precious metals or depreciate. . . . It will not increase our circulating medium unless it augments our business, for it is an established principle that the circulating medium in a country, other things being equal, will always bear a proportion to the trade and commerce. The state, therefore, which wantonly adopts paper, foolishly banishes the same quantity of the precious metals. . . . That state paper money would not augment our business, but on the contrary vastly diminish it, must be obvious to anyone who considers the smallness of the state, the vicinity of its large towns to the large states of Massachusetts and Connecticut, many of whose citizens now frequent our markets, but in that case, finding no use for our paper medium, would be compelled to divert their trade to their own markets. Nay, might it not be expected, that the best of our own produce, allured by the charm of silver and gold, would take the same route? Add to this, that while the paper remains at par it would not be more in the reach of distressed debtors than precious metals, if the dread of paper money were removed from the minds of monied men, and private credit restored, nor would anybody be eased thereby, in payment of taxes, as produce would fetch as much of one as of the other. For these reasons your memorialists conceive that an indepreciating state paper money would do much hurt and could do no real good. . . . Your memorialists humbly conceive it would be a rare phenomenon in the political world for a legislature to make paper money with the direct and avowed intention to avail the public of its depreciation. What would this be, it may be asked, other than to make a promise, and at the same time confess you did not mean to fulfil it, or to fulfil it only in part? In case money so emitted should be suffered to expire gradually, it is evident it would operate as a tax on the community to its full amount. . . . The operation of such depreciating paper, applied in payment betwixt individuals, would be no less unjust and cruel than its operation as a public tax.” The petition then directed attention to the volume of paper of various sorts already in circulation, questioning: “Was there ever a time, it may be asked, before the revolution, when one-fourth part so much money was in circulation in this country? And it may be further asked, was there ever a time when the citizen had less transferable articles to employ and give motion to it?” Discussing motives, the memorial continued: “Whatever pains may be taken by interested men to divide the agricultural interest from the commercial in this state, and to blow up the coals of faction and party, your memorialists entertain too high an opinion of the good sense and virtue of the substantial farmers in the country to believe they can listen to the suggestions of a wily, selfish policy, or aim to build themselves up at the expense of sacrificing the seaport towns and the commerce of the state. . . . Your memorialists presume that the landholders need not be told how intimately the rents of their estates, the prices of their produce, and even the rate of their taxes are connected with the prosperity of commerce in the state, and that, to this prosperity, the solidity of the currency, the stability of public faith, and punctuality in private contracts are absolutely essential. . . . The merchant brings his merchandise from abroad, and must make punctual remittances or his credit and his trade are at an end. Paper money will neither pay his debts in Europe, nor purchase the productions of other states to enable him to make payment; and it is well known this state can furnish but very little. It cannot, therefore, with any propriety, be expected that

he should dispose of his goods for an article for which he has no use. View next the shopkeepers and country traders; they, too, must refuse it, because it will not satisfy the merchant who supplies them. The farmer cannot take it for his produce, because the merchants, shopkeepers and traders have no use for it. The mechanics and common laborers may close the scene, for they will neither be able to pass it for food or raiment." The petitioners regretted "the distresses of the times, which they conceive originated from the devastation of the late war and the heavy debt thereby incurred, as well as from the embarrassment of the trade of the United States in foreign countries, and some impolitic restraints among ourselves. To these causes may be added the almost total stoppage of the circulation of hard money, which adds a great artificial to some degree of real scarcity of that article, occasioned by the apprehension of an emission of paper money." The petitioners suggested as measures for relief: "An addition to the impost, perhaps chiefly on specific articles to be enumerated—an excise on spirituous liquors and other luxuries—a tax on horses—laws to encourage the raising of wool and flax, for promoting our own manufactures, and for reviving industry and economy among all ranks of people." The appeal was effective only temporarily; the General Assembly rejected another bill proposing a "land bank" early in 1786.

Bounties were offered in 1786 to encourage raising hemp and flax, and sheep for wool, but repealed in 1787. An excise on a long list of articles was enacted as a revenue measure. Temporary relief for farmers was provided by the "tender act," which practically granted a moratorium of one year upon the tender of security for debts in the form of land and other assets at stated values. But the paper money party was not satisfied; it gathered strength as lines were drawn sharply on this significant economic issue.

**PAPER MONEY PARTY WINS**—In the spring election of 1786 the paper money party won a decisive victory at the polls and achieved control of the General Assembly. Governor Greene, who had opposed paper money vigorously, was defeated, and with him Deputy Governor Bowen. John Collins of Newport, was elected as Governor, and Daniel Owen of Gloucester, a pronounced advocate of paper money, as Deputy Governor. Four of eight Assistants and more than half the Deputies elected were new. Barrington, Bristol, Newport, North Providence, Richmond and Westerly returned the same Deputies, but Charlestown, Cranston, Cumberland, East Greenwich, Exeter, Foster, Gloucester, Johnston, Little Compton, North Kingstown, Portsmouth, Scituate, Smithfield, South Kingstown, West Greenwich and Warren sent entirely new delegations to the House of Deputies. The General Assembly elected four new of five justices of the Superior Court.

At the May session, immediately after completing the election, an act for emitting £100,000 was passed. The bills of credit were to be loaned at four per cent. interest to freeholders upon the security of real estate of double the amount; interest was to be paid for seven years, and the loans were to be repaid into the treasury for sinking within another period of seven years, during which no interest was to be charged. To assure wide distribution, the issue was apportioned to freemen. The bills were legal tender for the payment of public and private debts, state taxes and the interest on loans. The excise act passed at the previous session was suspended, and the collection of a direct tax of £20,000 was postponed. The paper money advocates both had relieved themselves and their friends of the burden of taxes and had given them ready money with which to pay their debts and relieve themselves of interest charges—if they could find their creditors. "Beneficial, charitable and religious" corporations which had loaned endowment funds at moderate interest were protected from dissolution of their capital resources, should the paper money depreciate, by legislation prohibiting the tender of "gold, silver or any other species of money" in payment unless the debtor should be sued. The projectors of the paper currency had foreseen a scramble to pay debts with the new currency, certainly as soon as depreciation started, which it did almost immediately. On July 1, 1786, six shillings of specie equalled nine shillings in paper in exchange value.

WHEN GREEK MEETS GREEK—One must try to know Rhode Island and to understand Rhode Islanders, if he would appreciate the unique history of the state for five years following the emission of bills of credit in 1786. The economist who ignores other factors finds in the depreciation of paper currency, issued inadvisedly on slow assets as security, only the operation of economic laws, and in the frantic efforts of the majority in the General Assembly to stay depreciation and to force acceptance and circulation of paper currency evidence only of agrarian fanaticism—of folly in the saddle riding headlong to destruction. The men directing affairs in Rhode Island were not crazy fanatics. The honest business man is easily convinced that increasing the volume of money as a measure to relieve debtors is unsound in practice as it tends to instability, which generally is detrimental to sound commercial and credit relations; creditors usually are honest business men, and the honest business men, the merchants and traders, of Rhode Island were united in opposition to paper money in 1786. The men directing affairs considered the merchants selfish oppressors of the poor, using the law and the monetary system of the time for their own advantage; this accusation against the money-lending, credit-carrying class is as old as history. The moralist may find the manipulation of a monetary system in such manner as to favor either creditors or debtors wholly dishonest; bimetallists in 1896 accused advocates of the single gold standard of persecuting the debtor classes, and themselves were accused of attempting to foist a "dishonest dollar" upon the United States. A church excommunicated one of its members and a member of the Society of Cincinnati was expelled, during the paper money controversy, for tender of paper currency in payment of debts. The Society of Friends petitioned the General Assembly to repeal the tender and lodgment provisions of the forcing acts.

The economic, business and moral aspects of the paper money controversy in Rhode Island, 1786-1791, were important, but not controlling; one may not understand the situation who neglects its political aspects. A group, strongly cemented because of common economic interest, had gained control of the General Assembly, the government, and was attempting to use the lawmaking function for its own advantage; another group, equally harmonious because of common economic interest, interposed determined resistance. The party in political control saw its pet economic measure frustrated by active, concerted opposition, when quiet acquiescence or submission might postpone disaster if it did not avert it. The opposition defied the government; the government was intent upon sustaining itself and took measures accordingly. Rhode Island was close to civil war in 1786-1791. The farmers of Rhode Island were honest men; they interpreted the paper money law of 1786 as a measure permitting them to borrow money from their state, with which to pay their debts and for which they gave mortgage security; if the operation of the law stopped there, it might be no more mischievous than private bank credit. The merchants and traders, as honest men, refused to accept payment of accounts in a currency which they believed would depreciate, and cause serious economic distress eventually.

What time the new paper currency might circulate at par with specie had the people of Rhode Island not been stubborn individuals who refused to let other people—even their own General Assembly—think for them, must remain a subject for conjecture. The actual beginning of depreciation was hastened, and the progress of depreciation was accelerated after it had begun, by the measures of resistance undertaken by the merchants and their associates, the town people of the seaports. They would have none of the new currency, neither by borrowing the shares of it to which they were entitled as freeholders, nor by accepting it in payment of debts or as the money of exchange for sales of commodities. Creditors for the time being, instead of dunning debtors, avoided them, lest the new currency be tendered in payment of debts. Merchants preferred other company to that of persons suspected of having the new notes in their pockets. Shopkeepers closed their places of business lest customers offer the paper currency in payment. Those who borrowed the new notes from the state found them

only paper that nobody else wanted. What had been planned as an alleviation of the distress of the farmer left him worse off than before; he had increased his indebtedness by borrowing from the state and his commitment for interest, and the proceeds appeared to have little value.

A group of determined men was proving the folly of inflation and throwing the burden of costly experience upon those who had hoped to profit from it. Incidentally they were demonstrating also the impotency of the government itself. Smug defiance of authority was resented by the General Assembly quite as much as the checkmating of plans for economic readjustment. The several "forcing measures" enacted purposed discipline as well as support for the new currency. The payment of the state's public debt, in large part owed to the merchants and traders, in notes of the new issues might be construed as a penalty imposed upon the opposition for their defiance of authority; if the notes had become worthless, there was retribution in the use of them to pay those who had accomplished depreciation and made them worthless.

John Howland, sometimes garrulous in his relation of events, but always a keen observer, described conditions in Providence in 1786 as follows:

It was determined to turn out those who had carried us successfully through the war of the revolution, and place others in their room who were opposed to the payment of debts. This took place at the May election. . . . A large batch of paper money was emitted, and made a lawful tender. If a creditor refused to take it and cancel the debt, the debtor had only to deposit the bills in the state treasury, and the debt was declared void. This was done in many instances. But another difficulty arose. The paper money party, as they were called, who wanted to purchase goods from the shops could not induce the shopkeepers to trade. To remedy this, the Assembly passed an act that any person who had articles of any description to sell, and refused to take the paper money at par should pay a fine of £100. The person offering the paper was to state the refusal to a judge of the court, who had authority to decide without jury, and order the penalty paid. On the passage of this, which was called the penal law, all the shops in town were shut up. The market house was closed. The country people brought nothing in to sell, though they were all paper money men. They came in to buy, but found nothing for sale. Paper money would not purchase a dinner. People dodged out of the way when a debtor appeared in sight, for fear of a tender of paper to cancel the debt. One day, three or four of us, neighbors, were standing in front of Elisha Brown's shop, when all the shops were closed. Judge Thompson,\* who lived opposite, came out and asked Brown why he kept his shop shut. He wanted to go in for some necessary things. Brown replied that, as the law stood, he dare not open it. It would not do for him to sell for paper money, as he could not buy anything with it, and if he refused to take it he must pay £100, which he could not afford. The judge said, "Neighbor Brown, I tell you open your shop. I will insure you against any penalty." Brown quickly replied, "Will you, Judge?" "Yes," answered the judge, "open the shop." Mr. Brown took the key from his pocket and opened the door. The judge entered and bought what he wanted. Brown then put his goods out as usual. This, for several days, was the only shop opened in town.

Howland continued, relating an offer to purchase a jackknife and the tender of paper money for it, refusal and the entry of a complaint according to law. When time for trial came "the judge took his great chair at the end of the table, and the case was opened." Counsel for the defence argued "against the constitutionality of the law. He contended that no man could be deprived of his property, or life, without a trial by a jury of his peers. . . . When the attorneys had ceased, the judge arose. He said: 'The honor and dignity of the state must not be violated. The laws must be respected. The character of the state required it. If the people thought the laws were not good, they had the power, at the next election, to put in other men to alter them. In the present case, a great deal had been said about constitutions and bills of rights and other things; the court will take time to consider. Adjourn the court to next Monday.'" At the adjourned session counsel repeated and reinforced their arguments, and the judge again took time to consider, and adjourned court for another week. At the time for the third session of the court, the judge was reported by his servant as gone to look for a

\*Ebenezer Thompson, Chief Justice of the Court of Common Pleas for Providence County.

lost cow, "and thus ended the great and important case of the jackknife. . . . The shops were no longer closed. The paper money passed with those who chose to take it, at five for one, and it was eventually sunk by an act of the Assembly in paying the state tax at one silver dollar in lieu of fifteen in paper." Such flaunting of law constrained the determined men in the General Assembly to adopt coercive measures.

**THEN COMES A TUG-OF-WAR**—Depreciation had begun almost as soon as the new currency was printed. The law had been in operation scarcely a month, when the General Assembly, at the June session, 1786, attempted to arrest depreciation by making refusal to accept the new currency at par value in payment of accounts or discrimination betwixt it and specie an offence punishable by fine and loss of the rights and privileges of freemanship. The "tender act" of March was repealed, as no longer necessary for the protection of debtors. The tax postponed in May, and another of equal amount were levied. In face of the threatened forcing measure, and its drastic penalties, business was discontinued, and shops and stores were closed. Farmers retaliated by undertaking to starve the inhabitants of the commercial towns by withholding their produce from market. They were accused of hauling their produce beyond the borders of the state to sell for "real money," and of entering Rhode Island commercial centres to buy only with paper money. Providence was reduced to such distress because of shortage of food that a town meeting on July 24 ordered the purchase of corn in Connecticut, and distribution of it to the inhabitants by the town council. The town meeting also urged opening shops for barter with farmers who could be induced to haul their produce to town. There was rioting at Newport with the purpose of forcing grain dealers to sell corn for paper money. Providence County farmers met at Scituate on August 10, to consider reprisals against the town people, but adjourned to meet in state convention at East Greenwich on August 22. Sixteen towns were represented at East Greenwich, including Providence, which sent a delegation to urge conciliation. The convention rejected overtures and voted to support the General Assembly's policy and measures.

The Assembly met at Newport on August 22, in special session called by the Governor. To strengthen the credit of the new currency, the General Treasurer was ordered to receive the bills in payment of arrears of continental taxes, and new and novel court procedure was established as a measure for enforcing acceptance of the new bills at par. Resolving that "it is an established maxim in legislation, and ought to be strictly and most punctually adhered to in all wise governments, that process upon the breach of penal laws be immediate, and the penalty be inflicted or exacted directly consequent upon conviction," and that "the usual and stated methods and times of holding court within this state are impracticable, inexpedient and inapplicable to the true intent and meaning" of the act to emit paper currency, and "altogether insufficient to carry into effect the good purposes of this legislature touching the same," the General Assembly ordered the issue of summons by any judge of the Superior Court or of the courts of common pleas for immediate appearance, and trial by the court, also specially summoned, three judges being a quorum, without a jury, and without appeal. If effective and enforceable the legislation up to this stage in the episode compelled a creditor to receive and accept payment of his accounts in bills of the new issue, and compelled merchants and tradesmen to sell commodities for bills of the new issue, on penalty, for refusal, of immediate arrest, trial without jury, and fine or imprisonment. Another farmers' convention met at Smithfield on September 13 to consider other measures, which included outlining a plan for placing the state of Rhode Island directly in business as an importer and exporter, thus to replace the merchants, and a coöperative plan for state marketing and buying.

**TREVETT VS. WEEDEN**—The first effective pause in the agrarian movement occurred when John Weeden, butcher, of Newport, refused to sell meat to John Trevett, also of Newport, who tendered new paper money in payment. Weeden was summoned to appear before the

Superior Court under the procedure outlined by the General Assembly in the act of August, 1786, and the case was tried before the full panel of five justices on September 25, 1786. Weeden's attorney filed a plea denying the Superior Court's jurisdiction, and the case came on to be heard on arguments of counsel, including Henry Goodwin, for the complainant, and James M. Varnum and Henry Marchant, for the defendant. Goodwin asserted the supreme legislative authority of the General Assembly as unrestricted, there being no bill of rights in force in Rhode Island. Varnum argued that the legislation was unconstitutional as a violation of common rights, besides sustaining the pleas that the statute had expired and that the Superior Court was not the tribunal designated by the act for trying cases brought under its provisions. The case of *Trevett vs. Weeden* attracted unusual attention at the time, and is still cited frequently as the earliest precedent for the doctrine of judicial review developed subsequently by Chief Justice Marshall of the Supreme Court of the United States, and now accepted generally as fundamental to the principle of an independent judiciary. The Superior Court actually dismissed the case of *Trevett vs. Weeden* for want of jurisdiction with the words: "The said complaint does not come under the cognizance of the justices here present." The plea to the jurisdiction of the court, on which the trial proceeded, alleged (1) that the act under which the complaint was brought had expired; (2) that the jurisdiction lay in special courts, not in the Superior Court; and (3) that denial of trial by jury rendered the act unconstitutional. The first allegation was supported by the sixth section of the act, which could be construed, because of an error in drafting, as limiting the special process "until the expiration of ten days after the rising of the Assembly"; the second by construction that, whereas process for summoning defendant and judges might be issued by a justice of any court, trial jurisdiction actually lay with the court of common pleas for the county and not with the Superior Court exercising appellate jurisdiction generally. The "Newport Mercury," reporting the trial, quoted the judges as declaring, in their discussion of the matter in open court before decision, "the penal law to be repugnant and unconstitutional," and of noting repugnancy in the provision for procedure "without trial by jury . . . according to the laws of the land." The General Assembly construed the decision as a declaration of unconstitutionality; at a special session, October 2, it was resolved, "whereas it appears that the honorable justices of the Superior Court . . . at the last September term of the said court, in the county of Newport, have by a judgment of the said court, declared and adjudged an act of the supreme legislature of this state to be unconstitutional, and so absolutely void; and whereas, it is suggested that the aforesaid judgment is unprecedented in this state, and may tend directly to abolish the legislative authority thereof," to order "all the justices of the said court . . . to give their immediate attendance on this Assembly, to assign the reasons and grounds of the aforesaid judgment. . . ." Three of the judges appeared before the General Assembly at the session in Providence opening on the last Monday in October, with the record of the case, and were "fully heard" by the Assembly, which voted "that no satisfactory reasons have been rendered by them for their judgment on the foregoing information . . . ; and that as the judges . . . are not charged with criminality in giving judgment upon the information, John Trevett vs. Weeden, they are therefore discharged from any further attendance on that account." David Howell, one of the justices, argued before the Assembly that the court was not accountable to the General Assembly for its decisions, and his associates, Joseph Hazard and Thomas Tillinghast, concurred. Four of the five justices, all except Chief Justice Mumford, who had issued the summons in the case of *Trevett vs. Weeden*, were not reelected in May, 1787.

If the legislature had not been chastened by the decision in *Trevett vs. Weeden*, it had become more cautious. Early in October, 1786, the draft of an act entitled "An act to stimulate and give efficacy to the paper bills emitted by this state in May last" was ordered

referred to the town meetings for discussion and instruction to their Deputies. This bill, called the "test act," would exclude from political rights, including suffrage, office holding and testifying in court procedure, all persons who did not take a solemn engagement to endeavor to maintain the paper money at par with specie, and not to sell or offer for sale any article at a lower price for specie than for paper. The opposition to this measure, as might be expected in Rhode Island, where test oaths never had been popular, was almost statewide, and the bill was rejected at the late October session. Resolutions against the bill adopted by the Providence town meeting included such declarations as these: "The representative body are not authorized to ascertain the value of the property of individuals and to decide on what terms, excepting by equal taxation, they shall part with it. In that case there could be no private property, but all property would, in fact, be a joint stock and the property of the representative body; the idea of private ownership being done away. . . . Barter was the first mode of exchanging property, and the moment a man is deprived of his right to barter, or to sell for silver only, or for gold only, or for paper only, or for any other description of what he may deem an equivalent, and on his own terms, that moment he becomes a slave. . . . Any measure, however unjust or romantic, . . . might be fortified by the party in power with a test act, and all those who refused to comply therewith disfranchised. Even a minority . . . might in this way perpetuate their measures and hold their seats against the voice of the great bulk of the people. What are our liberties if we are to be deprived of them in this way?" The General Assembly voted to raise 120 soldiers pursuant to a requisition by Congress "for the service of the United States against the wars and depredations of their enemies that have commenced or may be commenced." Ostensibly for service against the Indians, the real purpose of the raising of an army at the time was the suppression of Shays' rebellion in Massachusetts, which collapsed before the enlistment had been completed. Rhode Island ignored a request for extradition of some of the leaders, who escaped punishment in Massachusetts by flight into Rhode Island; the General Assembly voted down a resolution directing the Governor to issue a proclamation for the arrest of the fugitives. While the action of Governor and Assembly on this matter might be interpreted as reflecting sympathy with the Shays movement, refusal of extradition might be justified on the ground that the offences of the fugitives were political rather than criminal.

**DRASTIC FORCE MEASURES**—The Assembly returned in December to the problem of making the paper money act effective; it had been found that judges were reluctant to issue citation to creditors who refused to accept tender of payment in the new notes; the act was amended in such manner as to permit payment into the hands of a justice, which on notice to the creditor was made effective as a release, with forfeiture the penalty for neglect to accept the deposit within a stated time. At the same session, however, the earlier forcing legislation, which was considered non-enforceable because of the decision in *Trevett vs. Weeden*, was repealed. The Assembly shortened the period in the statute of limitations to two years, as a measure to coerce creditors to sue and receive judgment in the new currency; and ordered suits on promissory notes, whether negotiable or otherwise, brought only in the name of the payee, thus practically repealing the law merchant. The latter legislation had the effect of permitting the pleading of defences valid against the payee but not valid against holders for value in due course after negotiation. Particularly it permitted pleading in court to disclose the actual nature of the transaction witnessed by the note; if, for instance, a note was made payable in "lawful money" for an amount assumed to be sufficient to cover depreciation, but actually in excess of the amount of the loan, the exact amount could be pleaded to fix the liability of the maker. Thus negotiable notes were stripped of one function, the expression of non-contestable commitments, which had made them popular with business men, and the effect

of the legislation reached further than enforcement of the currency law to destroy utterly the circulation of promissory notes as credit instruments, as which they might replace currency in transactions between merchants. The Assembly also reënacted the excise and increased import duties, assessed a tax of £20,000, payable in the new currency, and ordered the General Treasurer "to pay all persons holding notes against the state and orders issued by the General Treasurer . . . . the one-fourth part of the nominal sum of such notes," excepting the four per cent. notes of the new currency. This payment was optional with the holders of treasury commitments, the statute expressly stipulating "if the said holders shall apply therefor." The response to this offer was practically negative, inasmuch as the new currency had depreciated to four to one. In March, 1787, the Assembly enacted "that all persons holding public securities . . . . be directed to apply to the General Treasurer to receive five shillings on the pound in part of every such security held as aforesaid . . . .; that all such persons neglecting or refusing to do the same shall forfeit to and for the use of the state the said fourth part . . . .; and that the interest arising upon the one-fourth part . . . . be stopped immediately." This statute, requiring holders of state securities to accept part-payment in depreciated currency, on penalty of forfeiture, was an act of repudiation to the extent of the depreciation of the notes if payment was accepted, or an act of confiscation if payment was declined. Payment was offered in notes, part of which had been collected into the treasury as taxes and which were secured by land mortgages, and part of which had been returned to the treasury as not wanted by freeholders and were not supported by other security than the promise of the state to pay, there being no provision for sinking even by taxes. Notes of the latter type were distinctly fiat money; in issuing them to creditors of the state as payment on other securities the Assembly was not only forcing an issue of notes not to be justified even as a loan to freeholders, but was actually refunding interest-bearing securities with non-interest-bearing paper money, which had depreciated even before it was paid from the treasury.

Indeed, the measure was probably intended to save the Assembly from the embarrassment of failure to float the emission. So far as the freeholders refused to borrow the notes—and that was the clear meaning of the return of notes to the treasury—the project had been a failure; and the plea of necessity could not be justified. The exigencies of politics demanded a disposition of the notes, and an ingenious Assemblyman suggested using them to pay the state's debt, in the first instance, and incidentally to punish those who held the state securities and who had been influential in deflating the emission of currency. They must take the hateful currency on penalty of forfeiting their claims against the state. The process of converting the state indebtedness from securities into paper currency went forward rapidly; statutes offering payment of second, third and fourth quarters enacted in June, 1787, February, 1788, and May, 1788, were followed by other statutes forfeiting securities not converted voluntarily, in October, 1787, May, 1788, and June, 1788. Justices of courts were ordered to pay into the general treasury money placed in their hands as tenders; in June, 1788, the Assembly called in for repayment in the new notes, all outstanding notes of the war-time emission of 1780 not already sunk. At the October session, 1788, the Assembly announced its purpose "to discharge the domestic debt of this state as soon as it can conveniently be done without putting too great burden upon the inhabitants thereof," and proceeded to order the paying off of other indebtedness, always by the process of reissuing paper currency which had been returned to the treasury as taxes or otherwise. At the following March session an act was passed "for paying off the whole of the state's securities and orders on the general treasury now outstanding excepting the six per cent. notes heretofore declared to be forfeited whereof no part hath been paid and which did not originate from the four per cent. notes."

**THE ASSEMBLY RELENTS**—And then the tide that had “liquidated” the state’s indebtedness began to ebb. By September, 1789, the General Assembly had become so far convinced of the difficulty of substituting statutes for economic law that it resolved: “Whereas, the bills of credit ordered to be emitted by this Assembly at the session held in May, 1786, have gradually depreciated, insomuch that great injustice will take place unless some remedy be provided: . . . . it is enacted that the operation of the act making the aforesaid bills a legal tender, so far as respects a tender and lodgment thereof, be and the same is hereby suspended until the rising of this Assembly at the next adjournment.” The short statute of limitations, two years, was repealed in October; in March the English statute of limitations was repealed, and a general statute of limitations fixing the period for bringing most actions at six years was enacted. A new “tender law,” substituting real and personal estate, in lieu of money, for payment of debts was enacted. The depreciation of the paper currency of 1786 by that time had reached the ratio of fifteen for one, as indicated by a resolution of the General Assembly, which ordered a claim for £112 9s. 5d. paid in currency of equal value, to the amount of £1687 1s. 3d. At the same session a committee was appointed “to ascertain the gradual depreciation of the bills of credit emitted by this state in May, 1786, from the time of its first being emitted to the present time.” An act passed in September, 1790, permitted borrowers of the bills of credit on mortgage security to pay off their indebtedness in silver at the ratio of “one silver dollar for fifteen dollars” in paper, declaring “it will be for the interest and tend to promote the tranquillity of the state that the redemption of the lands so mortgaged should be completed at an earlier period than is prescribed . . . . and may tend to give a circulation to the paper money so emitted.” The paper money party had lost control of the General Assembly, and Rhode Island at that time, by ratification of the Constitution had become one of the United States of America. The Constitution forbade emission of paper money by states, but Rhode Island continued thereafter to order payments from the General Treasury sometimes in specie, but sometimes also from time to time in bills of credit of the issue of May, 1786, at fifteen for one.

**REPUDIATION REPEALED**—The repudiation and confiscation acts of 1786-1790 were repealed in June, 1791, to the extent that the General Assembly, on passage by Congress of an act assuming payment by the federal government of a large part of the debt of the states incurred for war purposes, reinstated securities declared void for failure of the holders to present them to the Treasurer for payment, and ordered indorsement, on securities wholly or partly paid off in currency, of the amount actually paid and the specie value of the payment according to a table of depreciation indicating the changing ratio from July 1, 1786, when nine shillings in paper equalled six shillings in specie, to July, 1789, when ninety shillings in paper equalled six shillings in specie. The purpose of the measure was not resumption by the state of its repudiated debt, but only reinstatement of part of the debt for assumption by Congress. On claims amounting to more than half a million dollars, \$420,000 was paid by the federal government. Rhode Island issued four per cent. notes to cover the ascertained balance, and purchased those notes from time to time at favorable discount. In 1847 a balance of unpaid claims amounting to less than \$50,000, a large part of which was interest, was repudiated. The controversy at that time on the question of paying or repudiating provoked acrimonious discussion and became a political issue. Many of the alleged claims were spurious, resting on securities redeemed but not cancelled because of the careless conduct of public business; and others were held by speculators who had purchased them at excessive discounts from persons who could not afford to await repayment at the convenience of the treasury. Bills of the issue of 1786 in the treasury were ordered burned in 1792.

The paper money law of 1786, and the subsequent legislation of the period inflicted

embarrassment but little actual hardship on public creditors, saved as they were by the legislation of 1791 reinstating claims not actually paid off at specie value. Heavy losses, probably, were borne by some private creditors, through forced receipt of depreciated currency in payment of claims, or through forfeiture of the latter for refusal to accept tender of payment. The laws did not countenance payment of claims by debtors from other states to Rhode Island creditors by tender, and the courts eventually worked out a way of defeating redemption of mortgages or cancelling large claims by refusing to count money offered as tender or to accept the count of other persons; in consequence it became difficult to prove a tender. Moreover, the courts, finding the volume of litigation increasing, made no effort to speed trials, and thus avoided hearing cases because of crowded dockets. Staunch resistance likewise saved creditors from greater losses, possibly and probably. It is to be regretted that there are no records available from which to compute actual losses at the time for comparison with the effect, for instance, of modern bankruptcy laws upon the percentage of claims that may and that may not be collected. The narratives of contemporaries are prejudiced by the strong passions evoked, and emphasize the evasion of debt made possible by the laws rather than the extent to which debtors actually were successful in obtaining lawful release. Business acumen undoubtedly helped the merchants and traders to devise ways to curtail losses by price adjustments; and there were, besides, many freeholders and inhabitants who joined with the merchants in opposition and who refused to take advantage of the currency law.

**IDENTIFICATION OF PAPER MONEY ISSUE WITH CONSTITUTION ISSUE**—With an economic issue—the paper money question—clearly defined and political party lines squared true to the issue, it was not strange, but rather to be expected, that the precipitation into the political arena of the question of ratifying or rejecting the Constitution of the United States<sup>†</sup>—of becoming a member state in the new federal union, or of pursuing the career of a sovereign state whose independence had been achieved—should intensify party strife in Rhode Island. In this connection it should be recalled that the movement that produced the constitutional convention at Philadelphia originated in an interstate conference *to promote better commercial relations between states*, and that the Constitution in its original form—until the bill of rights had been introduced in the first ten amendments—though hailed by statesmen viewing it externally as accomplishing the union of thirteen states in a new nation, dealt internally more with property rights and commerce than with the rights of man. As a device of merchants and traders for improving the conditions under which they might inaugurate and operate commercial enterprises, the new Constitution did not appeal to farmers. There was no reason why a proposition to strengthen the central government should find favor with those elements in the population who anticipated in successful revolution relief from oppressive government, who had become restless under drastic taxation and a depressing economic situation, and who irked the restraints of state government. Among other restrictions in the new Constitution was one forbidding states to emit bills of credit and explicitly placing the power to coin and regulate money in Congress. The new issue did not change—it strengthened—the alignment in Rhode Island, which had been town-specie *vs.* country-paper money, and was now town-specie-federalist *vs.* country-paper money-antifederalist. The decisions on major issues were reached almost simultaneously.

The General Assembly that showed weakening faith in its ability to float paper money by repealing the tender and lodgment provisions of the forcing act, yielded also in opposition to calling a constitutional convention.\* Yet the federalists, in spite of the approaching success

<sup>†</sup>Chapter XIV.

\*It is true that the October election of Deputies intervened, but there was little change in the Assembly resulting therefrom.

of their favorite measures, were not so strong that they might venture to hope to win a state election. Governor Collins had incurred political unpopularity by casting the deciding vote for the constitutional convention;‡ this he alleged in making application to President Washington for appointment to a federal office, even before Rhode Island had completed ratification of the Constitution. He was scarcely eligible for renomination by the party whose policy he had defeated. Daniel Owen, Deputy Governor, did not choose to run, once his favored policies had been discarded. As presiding officer in the constitutional convention he earned the thanks of the members for his courtesy and fairness. He had been elected as a justice of the Superior Court, while Deputy Governor, in 1790; he was Chief Justice from May, 1791, to June, 1795. Arthur Fenner, antifederalist, as Governor; Samuel J. Potter, federalist, as Deputy Governor; and ten Assistants, five antifederalists and five federalists, were elected in 1790 by agreement. The antifederalists carried the election in instances of contest; yet they were the survivors of a party that for the time being was stripped of compelling issues. The intense struggle of the period had been marked by passion and bitterness recalling the Hopkins-Ward controversy of colonial days, and had produced the charges of bribery and corruption that seem to be almost inevitable under similar circumstances, in which issues are principally economic. An act "to prevent bribery and corruption in the election of public officers in this state," passed in March, 1787, imposed penalties and required electors assembled in town meeting for election to take an oath against bribery and corruption. Later in the year, at the October session, the General Assembly, resolving that "it frequently happens in the choice of officers within the towns in this state, that the moderator of the meeting puts up the person nominated for the suffrages of the freemen, by the sign of holding up the hands; whereby persons are frequently appointed to offices who would not be appointed if the suffrages of the people were taken by ballot," enacted that all votes in town meetings "for the choice of any representation, or delegating any power of the freemen to any one or more delegates, or the choice of any officer whatever, should be by ballot, or a vote in writing," on the request of one freeman seconded by another. Lawyers, because for the most part they were town men, and found their most profitable clients among merchants, were not popular with the antifederalists; the lawyers, as might be expected, were keen in perceiving advantage in the complicated parliamentary procedure of the period, and were able in argument. A bill to exclude them altogether from membership in the Assembly was considered but failed to pass. Readjustment of representation in the House of Deputies also was agitated. Newport sent six Deputies, Portsmouth, Providence and Warwick, four each; other towns, two each; it was proposed to make the representation of towns equal. The measure, which for the time being would favor the farming towns by reducing seaport representation, failed to pass. The General Assembly was solicitous to maintain the respect to which, as the legislature of a sovereign state it was entitled. Jacob Richardson, postmaster, who was accused of insulting Governor Collins by refusing to deliver a letter to the Governor without receiving prepayment of the postal fee, was reprimanded. Two other freemen were haled before the Assembly to answer charges of contempt, and the justices who rendered the decision in *Trevett vs. Weeden* were called to the bar, and four of them were not reelected.

COMMERCE AND MANUFACTURING—Rhode Island needed economic rehabilitation. The paper money doctors had tried to revive prosperity by inflation of currency, and had failed. The General Assembly had enacted measures purposing to promote improvement by regulation of relations of debtors and creditors, with doubtful or negligible, if not altogether negative, results. Law may favor or retard prosperity; the latter cannot be created by legislation. The initiative that builds a substantial commercial and that maintains a wholesome

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‡Chapter XIV.



OLD VARNUM HOUSE, BUILT 1767, EAST GREENWICH



VARNUM MEMORIAL ARMORY, EAST GREENWICH



economic life originates always with those who venture. "If I should never venture nothing, I should never have nothing," wrote Obadiah Brown to his brother James, in 1738. Two significant effects of the Revolution had been (1) the removal of those restrictions on manufacturing that Great Britain had imposed upon her colonies with the purpose of promoting the interests of English manufactures; and (2) the opening up of opportunities for trade with other nations that had been forbidden under the navigation acts. A new prosperity for Rhode Island could be built securely upon the foundations of home production and trade; here was the challenge for Rhode Island in the new situation. Rhode Island had sons who were keen in perceiving advantage, daring in initiative, resourceful in enterprise. The awakening in manufacturing was delayed not long beyond the close of hostilities. Daniel Anthony, Andrew Dexter and Lewis Peck organized a company in 1786 to produce textile machinery driven by water power; for them Daniel Jackson constructed the first spinning jenny made in the United States, operating twenty-eight spindles. A spinning frame and carder were set up in 1787 in a chamber of the Market House in Providence to manufacture jeans, a cloth with linen warp and cotton filling. The Rhode Island interest in power-driven textile machinery continued with the experiments made by Samuel Slater, of Pawtucket, financed by Moses Brown, which were the first successful applications in America of water-power to textile manufacturing on a productive basis.

The iron industry, strictly restricted in the colonial period to smelting iron in furnaces and to casting in foundries, had been developed during the war period by the casting of cannon and shot, and the manufacture of muskets and other weapons. War necessity spurred to other productive processes, including the manufacture of paper. Two lotteries (1789, 1792) were granted to promote the building of nail mills in South Kingstown and Exeter, and a rolling and slitting mill was set up in Providence in 1789. Both rolling and slitting processes were forbidden in colonial days. The development of the iron industry was remarkable, in view of the limited extent of ore deposit easily worked; of it Moses Brown wrote in 1791: "We have in this county (Providence) one furnace for making pig iron in Scituate, the ore bed in Cranston. The water from the pit is discharged by a steam engine, also made here and at the furnace. We have twelve or thirteen forges, which make bar iron out of pig ore, scrap iron and black sand. The latter is brought from the south shore of the state mostly. A slitting mill has been lately erected in this neighborhood. It also plates iron, makes hoops and rails, shovels and spades, of which articles many are made for exportation. Anchorsmiths are ancient, but as the business has increased, divers have set up the business, and many are made for exportation. The steel manufactory is perfected, as to the kind blistered and drawn equal to imported, and is made so low that the importation has mostly ceased. Ten per cent. on a hundredweight of bar iron turns it into good blistered steel, weight for weight. The making of all kinds of screws for paper mills, clothiers, etc., is carried on to advantage, and New York, Connecticut, etc., have been supplied with them. The making of cold nails, from card tacks to shingle nails, and some up to ten-penny is largely carried on. Ten-penny nails and downward are made so cheap and plenty as to prevent their importation from our neighbor states, who furnish hot-made nails in plenty."

In the same letter Moses Brown mentioned also: (1) Spermaceti manufacture, practically discontinued during and since the war because of the interruption of the whale fishery; (2) distilleries, a continued industry, turning after the war to making gin; (3) sugar houses, with business slackened for want of stocks of brown sugar; (4) the manufacture of cotton and woolen cards, including the making of the leather backs, and cutting and bending teeth from wire imported from England and Germany; (5) two paper mills, for making "good writing paper, press paper, bonnet paper, sheathing," etc.; (6) hand and water mills for ginning cotton; (7) increase in the number of "fulling mills," and the production of linen

and cotton textiles at Almy & Brown's factory, 780 yards a month through the year of "velvets, thicksets, corduroys, fancy goods, royal ribs, denims, jeans, fustians," etc.; (8) "the spinning of warps by water on the Arkwright principle," from which mill yarn is furnished to other manufactories in this state and Connecticut; (9) "chocolate and snuff mills, which go by water, besides the usual mills for sawing, grinding, etc., by water, and the usual manufacture of hats, girt webs, saddle fringes"; (10) duck and twine manufactory, in addition to rope. John Jenks and Luke Arnold were granted the exclusive right to use water-driven machinery for cutting marble (1784) to encourage them to invest their money and to undertake to cut slabs, columns and chimney pieces.

Rivers had been dammed before the war to hold back water for use in manufacturing processes; there was, however, a prophetic significance in the frequent reference in the post-war period to waterpower; it forecasted the development of one of Rhode Island's greatest natural assets. These ventures indicated also an effort to increase real wealth, as distinguished from money, which aside from its most important function as a medium of exchange, sometimes represents wealth. Not all Rhode Islanders were downhearted; a group of enterprising inhabitants of Providence asked for a lottery in 1784 to build a second market house, and a second bridge across the Moshassuck River. Providence was growing and spreading west and east of the river; on the east side the steady climb up the hill from Town Street was marked by the laying out of Back Street (later Benefit Street), and the removal of private family graveyards to make way for the public improvement, only the old Tillinghast cemetery in the churchyard north of Transit Street remaining in the twentieth century. Whereas in the colonial period the proprietors had built their dwellings facing the Town Street, with warehouses and stores on the western side between the street and the edge of the river, the splendid new Georgian mansions of the prosperous merchant-princes of Providence, built toward the end of the eighteenth and near the beginning of the nineteenth century, rose along the crest of the east side hill, east of Back Street, with spacious grounds and usually a commanding outlook upon the town below and the harbor. Roads leading across the state into Connecticut, avenues for a developing interstate trade, were newly surveyed to curtail encroachment, and occasionally new locations were sought to assure better travel by avoiding hills and other obstructions; a law for better keeping public roads passable in winter was enacted in 1786. A lottery was granted to raise money to clear the course of the Pawcatuck River by cutting through shoals and bars; the River Machine Company was chartered to keep the channels of Providence River open, with grant of a tonnage charge on vessels to cover expenditures. The company petitioned Congress for a continuation of the latter after Rhode Island had entered the union and Congress had undertaken control of navigable waters, including the dredging of harbors as public waterways.\* Commerce was revived after the war. Newport had lost its most enterprising merchants with the departure of the Hebrews, but even in Newport recourse was had to ships and shipping, and Newport developed a profitable commerce, particularly after the rebuilding of Long Wharf from the proceeds of a lottery granted in 1795.

Providence commerce had suffered less than that of Newport; wharves and shipping were not destroyed as in the instance of the Island seaport. Providence vessels were successful frequently in passing the British blockade. With the withdrawal of the British and the return of peace, commerce was revived. Vessels owned in Providence in 1789 numbered 101 sail, 10,000 tons, in large part employed in foreign trade or whaling. A list of Providence vessels in 1791 included 11 ships, 35 brigs, 1 scow, 1 polacre, 25 schooners, 56 sloops, 129 sail in all, total tonnage 12,000. Enterprising Providence merchants and ship owners had already opened a flourishing trade with the Orient. Companies were chartered in 1792 to

\*Continued to 1796.

build two toll bridges across the Seekonk River, approximately on the sites of the twentieth century Red Bridge and Washington Bridge, to facilitate travel and overland commerce between Rhode Island and Massachusetts through what was then called Rehoboth, and to shorten the travel line between Providence and the east shore towns of Bristol and Newport counties, and between Providence and the capital town of Newport. A bridge across the Seacownet River at Howland's ferry, to connect the Island of Rhode Island with the mainland was under consideration and discussion. The Providence Bank, capital \$250,000 to \$500,000, was incorporated in 1791. Three fountain societies† in Providence were already supplying water, on the west side of the river, through underground wooden pipes. The census of 1790 showed that the population of Rhode Island had increased 30 per cent. in eight years, in spite of a migration from New England after the Revolution to new lands west of the eastern mountain ranges estimated at not less than 60,000. There had been migration from Rhode Island to Vermont, including Jonathan Arnold and Colonel William Barton, and to Ohio, including James M. Varnum and Abraham Whipple. Every town in the state gained in the eight-year period. Rhode Island was not growing, however, as Rome did in the days in which the city of Romulus on the Tiber opened its gates as a haven to fugitives from justice and outcasts of society, in such manner as to merit the reproach of the Sabines, when the latter declined intermarriage of their daughters with the Roman youth. A statute enacted in 1788 expressly forbade, and established penalties for landing convicts from British vessels on the shores of Rhode Island.

THE FOUR BROTHERS—The sober recital of substantial economic and industrial achievement in the preceding paragraph omits the romantic story of the Brown family in Rhode Island, and its part in the building of Rhode Island prosperity before the Revolutionary War and in the reconstruction of prosperity after the war, save as it recalls the remark of Obadiah Brown, "If I should never venter nothing, I should never have nothing," in which the double negatives were used for emphasis and not to cancel each other, English grammar and rhetoric to the contrary notwithstanding. Of ancient Rhode Island lineage, the progenitors of the Browns were adventurers, sailors, merchants, men of vision, initiative, resource, determination, including Chad Brown and Nicholas Power, of the earliest settlers, and Pardon Tillinghast, who built the first warehouse in Providence on a small piece of ground, twenty feet square, granted by the town, and with it the first wharf in the Providence River. Nicholas Power (3), grandson of Nicholas Power (1), early settler, and son of Nicholas Power (2), who was killed in the Great Swamp Fight, married Mercy Tillinghast, granddaughter of Pardon Tillinghast; their daughter, Hope Power, in 1722, married James Brown (1), a sailing master employed by Nicholas Power (3), who was a Providence merchant. James Brown (1) was brother of Obadiah Brown, and subsequently partner of Obadiah in the first Brown commercial house. Both James Brown (1) and Obadiah Brown were ship owners and sailing masters, first for other owners, and afterward of their own vessels. Their voyages carried them to English, French, Spanish and Dutch ports in the West Indies and along the mainland of South America, perhaps to Africa. In those days water commerce was seldom on established lines, with regular sailings between named ports, the vessels serving principally as freight or passenger carriers; the owner filled up his hold with a cargo and went forth to sell it, with the prospect of reinvesting the proceeds in another cargo, to be sold on return to the home port. On some voyages several successive cargoes were disposed of; a favorite Rhode Island venture was triangular, outgoing to Africa with rum, back to West Indies with slaves to be sold, and thence home with a cargo of molasses and sugar to be distilled into rum.

†Field, Rawson and Cook Fountain Societies were incorporated in 1772.

James Brown (1) and Obadiah Brown were great-grandsons of Chad Brown, who, like so many others who came to New England during the Puritan migration, found the atmosphere of Massachusetts soul-stifling and moved on, if he was not urged off, to Rhode Island to become one of the companions of Roger Williams. Hope Power was great-granddaughter of Pardon Tillinghast and great-granddaughter of Nicholas Power.

James Brown (1) died prematurely in 1739, after an adventurous career as sailor and master, merchant and storekeeper, leaving his widow, then Hope Brown, who lived to the ripe old age of ninety years, and died in 1792. Her tombstone records that she was the mother of Nicholas, Joseph, John and Moses Brown. The eldest son of the marriage, James Brown (2), died in 1751, after a notable career as a sea captain and merchant, in spite of its brief duration. The elder generations of Browns, Powers and Tillinghasts had witnessed, participated in and contributed to the development of commerce and shipbuilding in and about Providence that had made the northern town even before the Revolution a promising rival of Newport, already past meridian of the golden age and jealous of the rising importance of Providence, politically and commercially. Obadiah Brown, after the death of his brother, James (1), took Nicholas, Joseph and John Brown, as they became of age, into the family partnership, which was reorganized in 1761, following the death of Obadiah Brown, as Nicholas Brown & Co. Moses Brown, youngest of the four brothers, was admitted to the firm in 1763, and the business was continued for ten years to 1773, when Moses retired. It was characteristic of this family, and the loyal coherence of its members, that Nicholas Brown declined to accept the double share of the family estate lawfully his as eldest surviving son, and divided the property equally with his brothers. The firm, Nicholas Brown & Co., achieved distinction and commercial leadership before the Revolution. As early as 1763 it had established a "trust" controlling the distribution of the entire production of sperm oil by the combined whaling fleets of continental North America, the largest share of all oil brought in by whalers being allotted to the Providence firm. It had established spermaceti works; the Brown name appeared in most of the large commercial enterprises of the period, including the founding of Furnace Hope in 1765, afterward a most important producer of heavy cannon and shot for the Revolution. The firm built ships in Rhode Island shipyards to carry its own commercial adventures, or to sell in trade. The ships owned and controlled by the Browns, in whole or in part, according to the current practice of ownership in shares as insurance against total losses, employed large numbers of sea captains sailing from Narragansett Bay, whether the enterprises were peaceable commercial voyages or privateering expeditions. Politically the family supported Stephen Hopkins in his ventures in government; he was allied with them in many commercial enterprises, including Furnace Hope.

John Brown, most daring and active of the brothers in the earlier years of the firm of Nicholas Brown & Co., was the instigator of the destruction of the "Gaspee," if he did not actually join the party, which he probably did. Yet so well was the secret of his participation in it kept that Moses Brown, youngest of the brothers and as cautious as John was audacious, when John was held in Boston early in the Revolution as a member of the "Gaspee" party, ignorant of John's part in the enterprise, with Quaker frankness and truthful plausibility, convinced the British that John could not be guilty and obtained his release. The firm of Nicholas Brown & Co. was active in supporting the Revolution, though it risked the lives of its members and the family fortune as a total loss, should the movement fail. Joseph Brown retired from the firm at the end of the war, and accepted the chair of experimental philosophy in Rhode Island College. Nicholas and John Brown dissolved the partnership in 1782 and set up separate establishments out of which developed the firms of Brown & Francis; Brown & Benson; Brown, Benson & Ives; and Brown & Ives.

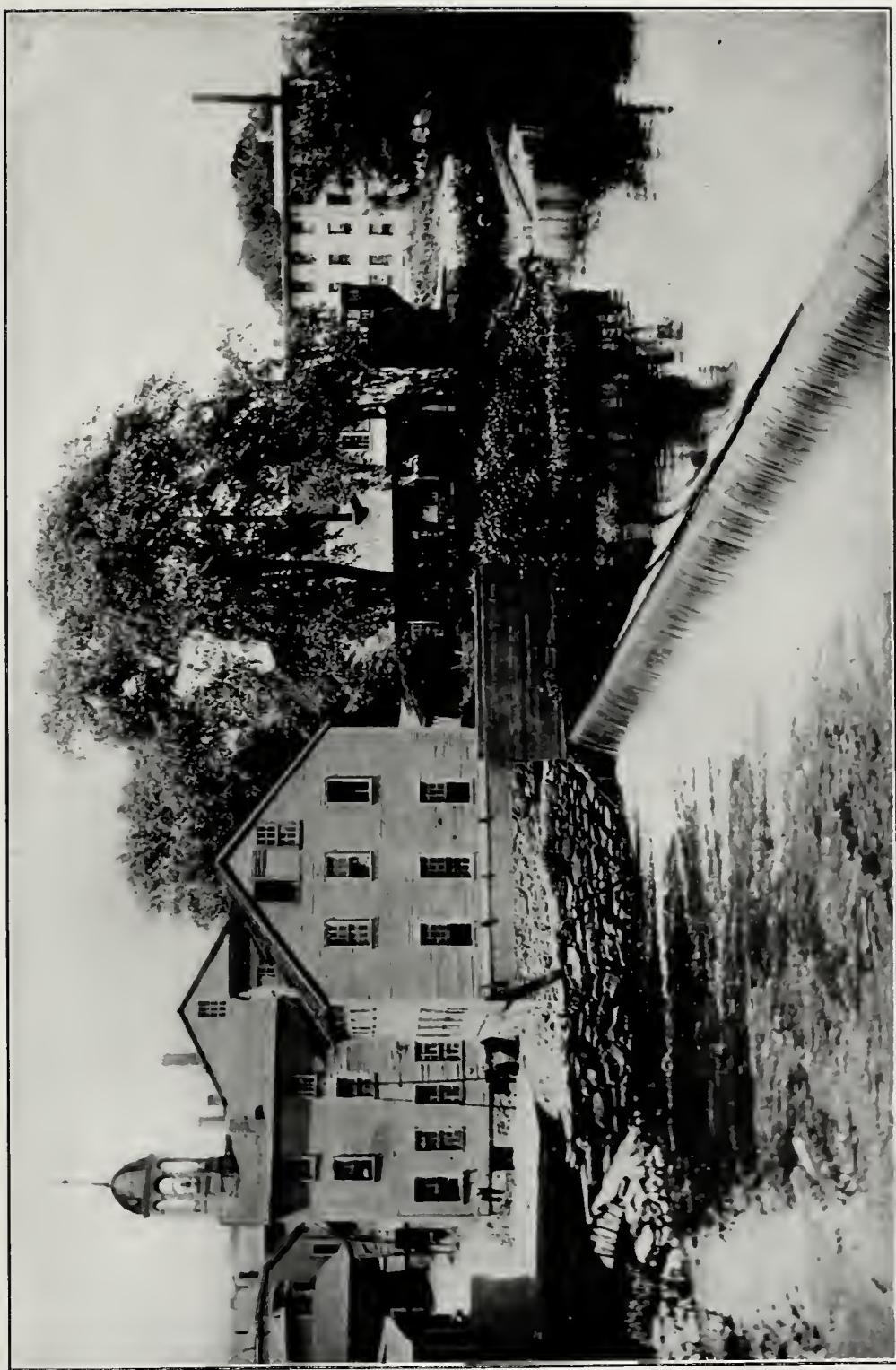
John Brown was still the daring spirit, though "all the brothers were courageous." Early in the war, vessels sent out by him raided British stores of powder and shot in the West Indies; a supply thus obtained by John Brown reached the Americans at Bunker Hill too late for use in the battle. Throughout the long struggle he was resourceful in "finding" the commodities most needed by the Americans. Though he was chided once at least because he did not become a soldier, his services as a civilian were invaluable. At the end of the war his was the initiative in reviving commerce, and he undertook first direct trade with the Orient. His ship, the "General Washington," 1000 tons, Captain Jonathan Donnison, cleared from Providence, December 24, 1787, with a cargo of anchors, cannon shot, bar iron, ginseng, tar, Jamaica spirits, New England rum, Madeira wine, brandy and spirits, and reached Canton, China, ten months later, on October 28, 1788. On the outward voyage the "General Washington" visited Madeira, Madras, Pondicherry and Canton; on the return, St. Helena, Ascension and St. Eustasius. The vessel reached Providence after a voyage of 32,758 miles, one year and six months, on July 5, 1789, with a cargo of teas, silks, china, cotton goods, lacquered ware, flannels, and gloves, valued at \$99,848. The "General Washington" cleared again from Providence on December 26, 1789, for India, returning June 11, 1791. Other voyages were to Canton, China, 1792-1793; to India, and to Russia. On the return from the Russian voyage to Cronstadt, 1803, the ship and cargo were sold as part of the estate of John Brown, then deceased. John Brown built also the ship "President," which was on the stocks in John Brown's shipyard when President Washington visited Providence in 1790. The "President" was launched early in 1791, a "most elegant coppered ship" of 950 tons. The "President" made one voyage to Calcutta for Brown & Francis, and was sold there to a Dutch company for \$60,000 in specie. A third ship from the Brown yards, the "George Washington," sailed from Providence in the India trade, *via* Madeira, in January, 1794. After a second voyage to China and Batavia, the "George Washington" was sold to the United States government for conversion as a cruiser. The "George Washington," cruiser, 624 tons, mounted 24 guns, of which 14 were nine-pounders cast at Furnace Hope. The price was \$10,400 cash. The "George Washington," Captain Bainbridge, carried presents to the Dey of Algiers, as tribute for protection of American shipping from the Barbary pirates. Captain Bainbridge was requested to carry the Dey's ambassador to Constantinople, and, in defiance of orders that he sail under the flag of Algiers, Bainbridge hoisted the American flag when near Constantinople. The "George Washington" was the first ship to show the American flag in Turkish waters. To this period also belongs Captain Robert Gray, of Tiverton, who in 1787 sailed the ship "Washington" to the northwest coast to trade with Indians, and returned *via* the Cape of Good Hope on the "Columbia," which had sailed with the "Washington," being the first American captain to circumnavigate the globe under the American flag. On another voyage to the northwest Captain Gray, on May 11, 1791, discovered the mouth of the Columbia River and named it. The claim of the United States to Oregon rested in part on Captain Gray's discovery.

John Brown was described by a French traveller in America, thus: "The richest merchant in Providence is John Brown, brother of Moses Brown, the Quaker. In one part of the town he has accomplished things that, even in Europe, would appear considerable. At his own expense he has opened a passage through a hill to the river, and has there built wharves, houses, an extensive distillery, and even a bridge by which the road from Newport to Providence is shortened by at least a mile." The reference here is to John Brown's development of wharves at India Point, so named from the East India trade, and to the bridge at Tockwotton Point, called the Washington Bridge, built under a franchise granted in 1792. The French relation continued: "At his wharves are a number of vessels, which are constantly receiving or discharging cargoes. . . . The trade of Providence employs 142 vessels

belonging to that port, and very little of it is shared with foreign ships, even by those of other states. The trade . . . . consists in the exportation of oxen, live hogs, salt pork, butter and cheese, barley, timber, onions, rum, whiskey, gin, flaxseed, wrought iron and the commodities imported from the East and West Indies. . . . ." Other projects fostered by John Brown included the Providence Bank, chartered in 1791, of the capital stock of which he was a large holder, and a canal from Providence to Worcester. A corporation to construct the canal was chartered in Rhode Island, but the enterprise failed for want of coöperation, the General Court of Massachusetts refusing to grant a charter for the line within the commonwealth. John Brown served as a member of the Rhode Island General Assembly, was elected to the Congress of the Confederation but did not take his seat, and served one term in Congress under the Constitution, 1799-1801. He was described in his later years as weighing 350 pounds, and occupying the full width of the seat in the carriage in which he drove from home to visit his enterprises at India Point.

The other branch of the Brown family, headed by Nicholas Brown, followed John Brown into the India trade. Brown, Benson & Ives built the ship "John Jay," which was launched late in 1794. In December the "John Jay" sailed for Bombay with pig iron, bar iron, rum, gin, pork, candles and tobacco, valued at \$34,550, and returned two years later with teas valued at \$250,000. The "John Jay" made other voyages, to Russia, to Batavia to procure a cargo "of the best Java coffee," to Canton, to Amsterdam to load a cargo of beef, pork, wine, burgundy, champagne, gin, pickles, smoked tongue and Bologna sausages for Sumatra and China. The "John Jay" was captured by a British war vessel on this voyage, was released, and on her final voyage from Batavia was wrecked. Brown & Ives built the ship "Ann and Hope," which sailed for Canton in July, 1798. The "Ann and Hope," 550 tons, was one of the fastest commercial sailing vessels ever constructed. On the first voyage the "Ann and Hope" reached Canton in five months and one day, counting four days spent at Australia; the vessel returned from Canton in 126 days with a cargo of 3165 chests of tea, 130 boxes of china, 50,000 pieces of Nankins, 392 pieces of assorted silks. The "Ann and Hope" made a second voyage to Canton; a third voyage to Canton *via* London, carrying tobacco, coffee, logwood and silver dollars to London, and watches, glassware, cutlery, pork, beer, ale and broadcloths from London to Canton. On a fourth voyage the "Ann and Hope" sailed for Batavia, Amsterdam and Cronstadt; on a fifth to Batavia. The sixth and final voyage was to the East Indies *via* Lisbon; after various misfortunes, both outgoing and returning, the vessel was wrecked on Block Island, January 10-11, 1806, with a cargo valued at \$300,000, practically a total loss. The Brown & Ives firm was also interested in the construction of a bridge across the Seekonk River, with Moses Brown named as the first incorporator; and in the Providence Bank. Such major ventures as those related in this paragraph, while indicating tremendous profits, out of which great fortunes were established, and also some losses, were important as community enterprises of vastly greater significance than the immediate rewards to those who planned them.

It is characteristic of prosperity that it spreads itself without loss to the individual who initiates it, and that the community as a whole generally profits from it. The Brown enterprises drew wealth to the state of Rhode Island from beyond the borders; they diffused and distributed wealth within the community. They revived commerce and extended it into new fields. As cargoes for their outgoing argosies the Browns purchased the products of others in the community; their enterprises gave employment to thousands. The success of the Browns encouraged other merchants in Providence, in Rhode Island, and in the United States, to undertake the development of commerce, which had no small part in the building of that prosperity in the early years of the Constitution, which convinced the American people of the value of the Union.



OLD SLATER MILL, FIRST COTTON MILL IN AMERICA, PAWTUCKET



SAMUEL SLATER—Moses Brown, youngest of the four brothers, next to Samuel Slater, was most influential in laying the foundation for textile manufacturing under the factory system, an innovation that transformed Rhode Island from a commercial into an industrial commonwealth. Moses Brown contributed the capital; Samuel Slater contributed mechanical skill and ingenuity. So early as 1785 Brown had become interested in textile machinery, and had begun to purchase and experiment with machines made in America in attempts to reproduce the Arkwright processes, which were carefully guarded by England, lest other nations derive profit from the improvements. While Moses Brown's interest at first was related to the success of the firm of Almy & Brown, of which he was a member, eventually the pursuit of the project led him to invest his own money outside his interest in the partnership. In December, 1789, Moses Brown received a letter from Samuel Slater, thus: "A few days ago I was informed that you wanted a manager of cotton spinning, etc., in which business I flatter myself that I can give the greatest satisfaction, in making machinery, making good yarn, either for stockings or twist, as any that is made in England; as I have had opportunity and an oversight of Sir Richard Arkwright's works and in Mr. Strutt's mill upward of eight years." Moses Brown replied: "If thou thought thou couldst perfect the machines and conduct them to profit, if thou wilt come and do it, thou shall have all the profits made of them over and above the interest of the money they cost and the wear and tear of them." Slater accepted the offer, and on his arrival in Rhode Island pronounced the machinery accumulated by Almy & Brown practically of no value. One year later, after he had driven Moses Brown almost to despair through waiting and expenditures, Slater had succeeded in reproducing machinery of the Arkwright pattern and was operating the first successful cotton factory in America. Slater himself sometimes doubted success, but held firmly to the project. Slater's improvements were principally in carding and spinning; weaving was still principally by hand. The increased production in Almy & Brown's factory was indicated by a record of 7823 yards of cloth in nine and one-half months over 4556 yards in eighteen and one-half months before Slater came to Pawtucket, or practically multiplying the output by three. Eventually the spinning of yarn exceeded the amount that could be used in Almy & Brown's mill or sold to other manufacturers, who bought the Slater yarn for warp. Moses Brown, fearing the accumulation, ordered: "Thee must shut down thy gates or thee will spin up all my farms into cotton yarn." Samuel Slater married Hannah Wilkinson, daughter of Oziel Wilkinson, with whom he boarded. Hannah Slater made the first cotton thread for sewing by twisting on an ordinary spinning wheel strands of the cotton yarn produced by her husband, and thus laid the foundation for another new enterprise. Not until the invention of the cotton gin by Eli Whitney, and the production through it of clean cotton from the southern states, could Slater be persuaded to use North American cotton.

The success achieved by Slater led to expansion, and the firm, to which Slater was admitted as a partner, built in 1793 the mill now known as the Old Slater Mill, preserved in Pawtucket as seat of the first successful American cotton factory. The second Rhode Island cotton mill, erected in Centreville in 1794, became successful after purchase by Almy & Brown, and the introduction of Slater machinery and methods. Samuel Slater and others organized a new mill on the Massachusetts side of the Blackstone River, now within Rhode Island, in 1799, while continuing his employment as superintendent of, but not as a partner, in the original Slater Mill. The introduction of these factories prepared Rhode Island for the transformation into an industrial state that marked the nineteenth century. Losses in shipping through disaster such as befell the "Ann and Hope," and through the encroachment on legitimate commerce by both England and France during the Napoleonic wars induced Rhode Islanders to seek as investment for their capital in less hazardous enterprises. The textile industry was favored liberally under the protective tariff, and developed rapidly in

Rhode Island, which offered abundant water power and also abundant clean water for textile processes. The movement from commerce to industry was well underway before the introduction of steam transportation promised to supplant commerce in fast clipper ships of the Rhode Island patterns. Two Rhode Island inventors made significant contributions to the development of successful steamboating.

**ELIJAH ORMSBEE**—The first Rhode Islander who obtained a United States patent was Elijah Ormsbee, whose invention, a hand fire engine, proved too heavy to be moved up and down the seven hills of Providence, and never came into practical use. Ormsbee invented also a power loom to replace the hand looms that were continued in use long after the application of power to carding and spinning; a power loom was needed to supplement power-driven carders and spinners and place the manufacture of textiles on a completely mechanical basis. The Ormsbee loom was practical, and was introduced in mills at Olneyville and Blackstone. John Thorp, inventor of a ring spinning machine, also invented a power loom. Neither Ormsbee nor Thorp profited much from their looms; imported Scotch looms of superior type soon supplanted them. Ormsbee invented also a mortising and tenon machine, the secret of which he guarded carefully, and tools for making window sash. He was a carpenter by occupation, but so ingenious and competent about machinery that he was employed to repair a steam engine operating a pump at the ore bed in Cranston, chief source of iron for Furnace Hope, and also to build a steam-power plant for pumping out the vats at Bowen's distillery. He built a house in Providence at the corner of Wickenden and South Main streets, and occupied a shop on Bridge Street, the latter of which was swept away by the river during the September gale of 1815. Some time during the last decade of the eighteenth century Ormsbee invented, built and operated a steamboat in the waters near Providence, of curious design with "duck-foot" paddles as propellers. Tradition records that, while working at Albany or Lansingburg on the Hudson River, Ormsbee "conceived the idea . . . that if vessels could be constructed to be propelled by steam power, the difficulties of navigating the Hudson would be done away with; he having occasionally been employed at the ore beds in Cranston, where steam power was applied to pump the water from the mine, while the ore was raised from the shaft by oxen."

Following is part of the relation of Captain John H. Ormsbee, who steered the Ormsbee steamboat on one occasion: "Mr. Ormsbee undertook to apply the power of steam to a boat. To effect this he obtained from Messrs. Clark & Nightingale the loan of a long boat, belonging . . . to the ship 'Abigail,' then lying in Providence. The boat he took to a retired place about three and a half miles from Providence, known as Winsor's cove. A copper still, of from 100 to 200 gallons capacity, owned by Colonel Ephraim Bowen, used by him in his distillery in the south part of the town for the distilling of herbs, was also loaned him by Colonel Bowen. The cylinder and castings were made at Pawtucket, I believe at the furnace of the Wilkinsons. All the woodwork and most of the wrought-iron work was done by himself in a shop near the cove where the boat lay. This cove was selected for its little exposure to travelers by land or water, that he might not be disturbed at his work, and in case of want of success in his undertaking, he would not be subject to the derision of the community. He, however, succeeded in getting his machinery in operation, and on a pleasant evening in the autumn he left Winsor's cove in the first boat propelled by steam that ever floated on the waters of Narragansett Bay . . . and arrived in safety at . . . Providence. The next day he left on the boat for Pawtucket, to show his friends in that village the success that had attended his enterprise. At Pawtucket the boat remained a day or two, and then returned to Providence. At Providence, he employed several days in going down and up the river, and experiments on the management of the machinery. The writer of this accompanied him to

steer the boat. . . . The steam power was not applied to elevate and depress the piston rod, as was done by Watts; of this mode, I have understood, he knew nothing. The steam was applied to raise the piston, and then the steam being condensed by cold water, the piston turned by atmospheric pressure. In this way the paddles of the boat at her sides, were moved forward and aft, no wheels being used, but upright paddles, which did not lift out of the water, but when moved forward they closed, and when moved aft they expanded their whole width, being to the best of my recollection about eighteen to twenty-four inches wide. The progress of the boat was from three to four miles per hour in smooth water, and if wheels had been substituted for paddles, would probably have increased her speed to five or six miles per hour. But the poverty of her constructor and inventor prevented him from making improvements, and, having no Livingston to assist him, his embryo prospects were destroyed, and he returned the still to the distillery and the boat to the owner."

Captain Ormsbee related further that Elijah Ormsbee constructed a miniature model of a boat with two wheels on each side that could be operated by hand, and that the model disappeared mysteriously. James Salisbury placed the date of Ormsbee's steamboat at 1794, and described it thus: "The engine was of his own construction. He used neither the wheel nor the screw, but the duck's foot principle, closed like a book when passing through the water forward, and opened and expanded when pressed aft." Salisbury added: "My father had a side-wheel boat, the wheels being made to turn with a crank, which was fastened to something like a hub, in the centre of the wheel, and went clear across from side to side. There were boxes over the wheels to keep the water from flying." David Wilkinson, who built the cylinder and other iron work for Elijah Ormsbee, related: "Mr. Ormsbee told me he had been reading of a boat being put in operation by steam, at the city of Philadelphia, and if I would go home with him and build the engine, he would build a steamboat. I went home and made my patterns, cast and bored the cylinder, and made the wrought-iron work, and Ormsbee hired a large boat of John Brown, belonging to one of his large India ships. . . . I told him of two plans of paddles, one I called the flutter wheel and the other the goose-foot paddle. We made the goose-foot, to open and shut with hinges, as the driving power could be much cheaper applied than the paddle wheel. After we had got the boat nearly done, Charles Robbins made a pair of paddle wheels, and attached them to a small skiff, and run about with a crank, by hand-power. After having the steamboat in operation, we exhibited near Providence, between the two bridges,\* I think, while the bridges were being built. After our frolic was over, being short of funds, we hauled the boat up and gave it over."

One story of the Ormsbee boat indicates that it was planned as a pleasure boat, to carry passengers on excursions for hire. The Wilkinson narrative continued, with intimation that Fulton profited from the Ormsbee steamboat in perfecting plans for the "Claremont," thus: "About this time a young man called on me, and wished to see the boat, and remained a day or two, examining all the works. He told me his name was Daniel French, from Connecticut. I never knew where he came from, nor where he went. . . . About the year 1840 I was on the railroad from Utica to Albany, with an aged gentleman on the cars, and the subject of steam-power came up, when I informed him of my early acquaintance with steam-power. . . . He said he thought more credit had been given to Fulton than was his due. . . . I told him I never thought Fulton an inventor, but simply a busy collector of other people's inventions. 'Well,' replied the gentleman, 'I always said so, and he would never have succeeded had it not been for Daniel French.' 'What do you mean by Daniel French?' I asked. 'Why, a Yankee,' said he, 'that Fulton kept locked up for six months, making drafts for him.' The name of Daniel French burst on my ears for the first time for forty-nine years, and almost explained some mysteries."

\*On the Seekonk.

THE EXPERIMENT—David Grieve of Rhode Island obtained a United States patent on February 24, 1801, for the “discovery that boats, or other crafts, may be made to ascend rivers against the entire force of the current, by virtue of the action of the same upon wheels and other machinery.” Grieve built at least two boats on which the principle of the screw-propeller was applied. As described by persons who saw it, power was furnished by men or boys operating a wheel on the tread-mill principle; the wheel turned shafts projecting from the stern of the boat, “to which special screws of heavy sheet lead were attached. The screws were beneath the surface of the water, and propelled the boat at the rate of from six to eight miles an hour.” David Grieve built “The Experiment” about 1808. Varnum Wilkinson related that the boat “was between fifty and sixty feet long, from sixteen to twenty feet beam, and three feet deep from the top of the horizontal wheel to the keelson. This wheel was stepped on the keelson. On the under edge were iron cog teeth, which geared into a pinion, and which was also geared into other wheels on the ends of two shafts, one on each side of the boat, which extended beyond, or to the stern of the boat, diverging from each other. On the outer end of each of these shafts was a screw about three feet in diameter. Motion was given to the horizontal wheel, and through the gearing to the screws by horses treading on it. . . . Many alterations were required in her machinery, but it was finally adjusted so as to carry the Grand Lodge of the State from Providence to Pawtuxet on June 24, 1809, which she did successfully. Her return was not so satisfactory. She met with a severe thunder squall on her passage back, and having no keel, was driven to the east side of the bay, on the Lion shore, where she landed her passengers, with the privilege of walking home. This increased the prejudices against her, and she was attached by the creditors of Mr. Grieve and sold. The purchaser undertook to take her to Boston, but on her way there she was dashed against the vessel that had her in tow, and lost.” The use of the screw-propeller, forecasted by the invention of David Grieve and the application of it, was postponed by years because of the successful application of a marine steam engine to side paddle-wheels, the principle applied in the “Claremont” and other early steamboats.

In retrospect and summary: Rhode Island emerged from the Revolution with political independence completely established, but desperately impoverished, and almost hopelessly indebted. Property had been destroyed, the wealth of the people had been drained by taxation; and commerce, which had been the most significant source of wealth in preceding years, had been almost wholly discontinued. In spite of vigorous opposition by those who understood the evils of inflation, the first recourse for rehabilitation was to paper money, whereby to furnish a medium for discharging debts and reviving trade and commerce. The stubborn resistance of merchants brought the state to the brink of civil war, before the effort to enforce the use of paper money was abandoned. Rhode Island then turned to two sources of relief from major evils—the revival and extension of commerce, and the production and manufacture of commodities for sale. The dominating figure in the period of economic rehabilitation was John Brown, one of four brothers who achieved fortunes for themselves while helping to rebuild a commonwealth. John Brown, daring instigator of the “Gaspee” plot, resourceful agent for obtaining supplies for the Revolution, vigorous opponent of paper money, ventured a fortune in establishing commerce with the Orient, and brought the wealth of the East, of China, India, and the Spice Islands, to the warehouses of Providence, which became rich as a great commercial centre. His brothers and other merchants followed him in the trade. Moses Brown, youngest brother in the house of Brown, ventured his wealth to build up the textile industry. Rhode Island emerged from the process of rehabilitation, presently wealthy because of the profitable trade carried on by her merchants in a foreign commerce in which she led America, and with prospects for continued wealth in the development of what was to be the dominating industry of New England for a century. The textile industry intrigued

the brains of inventors, and Rhode Islanders improved textile machinery, as well as turned their attention to other fields of investigation and experiment. One of the earliest steam-boats was invented in Rhode Island, and actually plowed the waters of Narragansett Bay years before Fulton was successful with the "Claremont"; David Grieve built a power boat operated by a screw-propeller. The wealth of its commerce, particularly with foreign countries, the number of vessels entering and leaving Narragansett Bay from remote ports on all the seven seas; the marvellous argosies sent out by its merchant princes; the magnificent interest of these in public improvements and in adorning Rhode Island with stately residences, recall the glory of Venice, Queen City of the Adriatic, and Mistress of the commerce of the world. Save that Rhode Island merchants levied no tribute on rival merchant fleets, and did not seek war but rather peace in promoting their ventures, the likeness to Venice is remarkable. In area Rhode Island has always been a city-state; in democracy Rhode Island surpassed the Adriatic city of the Doges.





## CHAPTER XVI.

### REVIVAL OF EDUCATION IN POST-REVOLUTIONARY PERIOD.

HE first American public school was established in Newport, Rhode Island, by vote of the town meeting in August, 1640. The town records of Rhode Island refer, year after year through the colonial period, to schoolhouses built, to schoolmasters hired, to schools established and maintained, to land grants for schools, and other public provisions for education.\* Of dame schools, of more pretentious schools kept in private houses, of home schools maintained for their children by the wealthy planters of the Narragansett country, of provision made by the grandees of Newport for tutors and governesses, of the unnamed schoolmaster who taught John Brown to cypher in Providence between 1749 and 1752, of village schools supported by public subscription and by tuition charges, of schoolhouses erected by subscription of proprietors on land leased or let at will, perhaps put up by the common, joint labor of the proprietors, there are no public records. Only when a town set aside land for school purposes, or built or repaired a schoolhouse, or leased a town schoolhouse, or engaged a teacher, or let the town schoolhouse to a teacher, or supplemented the teacher's earnings by a salary grant, was the matter recorded, and the phraseology of some entries indicates that other items of school business had been omitted. Town records were not kept with marked exactness; in reference to other matters than education curiosity aroused by an entry must sometimes remain unsatisfied because the record is silent alike with reference to antecedent and subsequent action, to cause or motive, and to consequence. The Revolution brought public education to a definite pause. The towns on the island of Rhode Island, in which there had been a more extensive development of public education than elsewhere, were occupied by the British, who effectively terminated civic enterprises. Two schoolhouses in Providence, the brick building on Meeting Street and Whipple Hall, were taken over by the Revolutionary committee for war purposes. University Hall, the first and then the only building of Rhode Island College, was also used, as barracks and hospital. Elsewhere education was interrupted, as towns and townspeople devoted their energies to the principal business of the period—winning the war, enlisting, arming and equipping soldiers, raising food, paying taxes, and in the instance of every man of military age not with the continental army, responding to frequent calls for service in regiments recruited for home defence or in the militia. In proportion to population Rhode Island called more men to the colors than any other state. The war over, interest in the education of the rising generation was resumed.

THE BEGINNING OF A STATE SYSTEM—The perfection of a state public school system lay far in the future; the educational movement for fifty years following the Revolution was "quasi-public," enlisting coöperative community enterprises, through school societies, many of which were incorporated. Through much of the period the activity was town rather than state. The following brief summary of activity, town by town, finds a place in the history of the state principally as rebuttal of statements frequently made that there were no schools in Rhode Island earlier than 1828:

Barrington—Divided into three school districts in 1770; two schoolhouses in 1819, and three in 1828, owned by school societies. The schools were society schools, not town public schools.

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Bristol—While the town schoolhouse was being made fit for occupancy, Samuel Bosworth was employed by the town to teach school in 1781 in a room hired for school purposes. The old schoolhouse was replaced by a new building in 1809, a coöperative enterprise, the town owning the lower story and St. Alban's Lodge the upper story as a lodge room. The colonial schoolhouse on the Neck was disposed of in 1765, and was not replaced until 1802, when a new building was constructed on the main road to Warren on land that was part of the Byfield donation. Bristol was divided into three school districts in 1811, but there was no schoolhouse in the northern district until 1818. The Byfield school lands were leased in 1811, the districting being part of a plan for equitable apportionment of the income. Bristol had three public schoolhouses in 1828. The Bristol Female Charitable Society provided a school for indigent girls. The General Assembly granted a lottery in 1797 to aid an academy in Bristol; and chartered Mount Hope Academy in 1806. A private school on the Lancaster plan was conducted in the Academy building in 1826.

Burrillville—Set off from Gloucester in 1806. The early schoolhouses were built by school societies, and were maintained by tuition. Burrillville had ten schoolhouses in 1819, and eleven in 1828.

Charlestown—The General Assembly granted a lottery to build a schoolhouse and meetinghouse in 1804. The earliest public schoolhouse was that maintained for the Narragansett Indians. Ten private schools were maintained in Charlestown in 1819.

Coventry—Three society schools were established soon after the Revolution. There were eight schoolhouses in Coventry in 1819 and ten in 1828. The Coventry School Society was incorporated in 1814, and the Mill Brook School Society in 1828.

Cranston—Six schoolhouses in 1819, and eleven in 1828.

Cumberland—Nine schoolhouses in 1819, and thirteen in 1828. The Cumberland schools were described as well housed, well taught and kept regularly. Charters were granted as follows: Cumberland School Society, 1795; Cumberland Academy, 1800; Cumberland Union School Society, 1814.

East Greenwich—Three lottery grants were made, in 1774 to build a second schoolhouse in the town, in 1780 to build an additional schoolhouse, in 1804 to build a schoolhouse near Cory Pond. Kent Academy, chartered 1802, was opened 1804. Frenchtown Academy, to be located in the western section of the town, was chartered in 1803, 1806 and 1820. There were four schoolhouses besides Kent Academy in 1828.

Exeter—Two schoolhouses, 1819; three schoolhouses, 1828.

Foster—Eleven schoolhouses, 1819; fifteen schoolhouses, 1828.

Glocester—Twelve schoolhouses, 1819; eleven schoolhouses, in which fifteen schools were maintained, 1828.

Hopkinton—The General Assembly granted a lottery to build a schoolhouse and meeting-house in 1805. There were six schoolhouses in 1819; and nine schoolhouses in 1828.

Jamestown—A schoolhouse was erected in 1802; there were two schoolhouses in 1819, and three in 1828.

Johnston—Seven schools in 1819; four schoolhouses, with six or seven winter and three summer schools, 1828.

Little Compton—Seven schools, 1819; eight schoolhouses, 1824.

Middletown—The district school division in 1754 turned the town schools already established over to the new districts. The east schoolhouse was destroyed by fire in 1786; the school land was rented in 1787 for "six bushels of good Indian corn," and in 1789 for "thirteen bushels of good merchantable Indian corn, to be paid and delivered into the treasury." The rents were appropriated to the schooling of poor children, and limited in 1790 to poor children of the east district, until 1792, when the rents were ordered "collected and put on

interest to be employed toward building a schoolhouse." The district ordinance proved a stumbling block to assumption by the town of responsibility for rebuilding the schoolhouse; it was repealed in 1789, but revived in 1790, the variable attitude and other votes in town meeting indicating that district had been arrayed against district. Committees were appointed in 1790 and again in 1807 to examine into the rights of town and districts. Years afterward, in 1856, the Supreme Court sustained the district right.\* The town granted land to school societies in 1810 and in 1819 for school purposes. Middletown had at least three schoolhouses in 1819, and five schools were maintained; in 1828 there were five schoolhouses in Middletown.

Newport—The central schoolhouse had been destroyed by fire just before the Revolution. Thirty-six freemen of Newport were incorporated in 1795 as trustees, and granted a lottery to rebuild Long Wharf and to build a hotel, upon condition that all profits arising from the wharf and hotel should be appropriated to building one or more free public schools. The lottery yielded \$12,000; the wharf was rebuilt and completed in 1800; the hotel was not built. Simeon Potter† of Bristol, then resident in Swansea in 1795, granted to the trustees of Long Wharf an estate on Easton's Point "in trust to support a free school forever, for the advantage of the poor children of every denomination." The deed recited that the gift was prompted "by the regard I have for the good people of the said town of Newport, and by the afflictions which they have suffered in the late war, and wishing to promote their rise and prosperity, and the education of their children of the present and succeeding generations." The Potter property stood at the corner of Washington and Marsh streets in Newport. The house was rented by the trustees and the first income was applied to repairs. The trustees, in 1800, tendered the use of the property "to the town for a schoolhouse, on condition of the town repairing the same and paying such rent as may be agreed upon, provided it is appropriated for a school." But Newport took no action, and the Potter school project remained in abeyance until 1814, when a committee recommended renting the Potter house to a suitable person to keep a school for boys. A school with twenty-one small boys as pupils was opened October 10, 1814, with Elizabeth Finch as teacher, and her husband Captain Joseph Finch as assistant, charged with such duties as ringing the bell and administering corporal punishment. The Finches occupied rooms in the Potter building before it was converted into a school. The school was enlarged to accommodate forty pupils in April, 1815, but was reduced to ten pupils in 1817, because the trustees were constrained by damage to Long Wharf during the September gale of 1815 and consequent demands for money for repairs, to curtail expenditures. The instruction consisted of reading, writing and arithmetic necessary for ordinary business and navigation. The Potter school was continued by Mrs. Finch after the death of the captain in 1829, as a school for small children, and later until 1832 by Mrs. Dennis, widow. Both women exchanged teaching service for abatement of rent. The school was discontinued in 1832, and the Potter estate was sold in 1834 for \$505, which was deposited in a savings bank. Long Wharf was leased for 100 years in 1860, to the Newport and Fall River Railway Company at an annual rental of \$1400. The trustees had in the savings bank \$2293.38, accumulated from the Potter donation. In 1863 a new two-story brick schoolhouse, which cost \$13,000, was built by the trustees and presented to the city of Newport. A second schoolhouse was built by the trustees at a later date, and the city of Newport is still from time to time a beneficiary of the trust.

Fifty years after the destruction of the central town schoolhouse, that is, in 1824, interest in public education revived in Newport. The General Assembly, upon petition, authorized Newport, in 1825, to raise a tax of \$800 "for the education of the white children of the town

\**Gould vs. Whitman*, 3 R. I. 267.

†Chapters VIII and IX.

who are not otherwise provided with the means of instruction." To the annual appropriations in 1825 and 1826 were added the proceeds of the sale and rent of school land; and the building of a schoolhouse, "60 feet long and 36 feet wide, of brick and stone, two stories high," was undertaken at a cost of \$3000. Provision was also made for the accumulation of a school fund from the proceeds of sales of school land under earlier grants, and \$1500 was added to the fund by bequest of Constant Taber. A school for boys, conducted on the Lancaster plan, was opened on May 21, 1827. Of 337 applicants for admission, 279 were enrolled and 217 were in attendance at the end of the first year. The boys' school was in the upper chamber; a school for girls in the lower chamber was opened in 1828. The Newport public schools were under the direction of a school committee, which had authority to appoint schoolmasters and assistants, to regulate the admission and discharge of pupils, to provide books, stationery and supplies, and in general to superintend and manage the schools. Books and supplies were provided at public expense, but the pupils were assessed a small tuition regulated by the course taken, thus: "In the alphabet, spelling and writing on slate, 25 cents per quarter. Continuance of ditto, with reading and arithmetic tables, 50 cents per quarter. Continuance of last, with writing on paper, arithmetic and definitions, \$1. The preceding, with grammar, geography and the use of maps and globes, bookkeeping, etc., \$2. No additional charge for fuel, books or stationery." The regulations provided expressly that no child should be excluded for inability to pay tuition. Inasmuch as the school committee found the tuition insufficient to cover the cost of books and supplies, the Newport schools might be classified as free public schools, charging for books and supplies a level rate estimated to cover average cost. It is estimated that Newport was served by forty-two private schools in 1828, which enrolled 1100 pupils.

New Shoreham—One schoolhouse in 1828, but four winter and six summer schools were maintained.

North Kingstown—The General Assembly granted a lottery in 1806 to build a schoolhouse at the Four Corners. A schoolhouse was built in that year at Quidnessett; it was furnished with a pulpit, as well as a desk, and used for religious as well as educational purposes. William Reynolds, factory owner, built a schoolhouse in 1808, and Ezra and Jeffrey Davis, one at Davisville in 1810. Washington Academy, sometimes referred to as Elam Academy, was chartered in 1799, located at Wickford, granted a lottery in 1803, opened in 1802, and had a long, though somewhat precarious existence.

North Providence—Samuel Slater, himself teacher of a secular school conducted on Sundays for mill operatives, opened a school for mill children in Pawtucket in 1791. The Red Schoolhouse, a society school receiving pupils from both sides of the Blackstone River, was erected in 1793. Charters were granted to the Pawtucket School Society, 1795, and Pawtucket Union Academy, 1801 and 1805. The academy was located on Pleasant Street. At the western end of the town Nathan Angell, Olney Angell, Benjamin Whipple and Roger Olney built a schoolhouse on Smith Street between 1802 and 1805. The General Assembly granted a lottery for an academy in North Providence on Smithfield pike in 1808. North Providence had eight schoolhouses and two academies in 1819; and seven schoolhouses, an academy and four other schools in Pawtucket, eleven schools altogether, in 1828.

Portsmouth—The town was well supplied with schools before the Revolution, and continued them afterward. There were seven schools in 1819, and four schoolhouses, accommodating four winter and one or two summer schools, in 1828.

Providence—*Infra.*

Richmond—Caleb Barber erected a stone building, known as Barber's Academy, 1806. Other schoolhouses were built as follows: By Amos Lillibridge, George Perry, David Kenyon, and Sprague Kenyon, 1806, destroyed by fire, 1825; by Judge William James, 1812;

Clark's schoolhouse, near Stanton's Corners, 1812; Kenyon schoolhouse, by Samuel, Silas, Benedict and Carey Kenyon, 1812; Bell schoolhouse, 1826. The General Assembly granted a lottery to build a schoolhouse in Richmond in 1825. Three schoolhouses were maintained in 1819, and schools were also kept in other buildings.

Scituate—Union Schoolhouse Company of Scituate was chartered, 1808; Scituate and Foster Academy, 1817. Scituate had seven schoolhouses in 1819, and ten schoolhouses in 1828.

Smithfield—Tradition relates the building of schoolhouses at Greenville, in the Angell district, at Allendale and Stillwater, before 1776, but the dates may not be verified. Other schoolhouses were built, in the Dexter district, 1816; by Philip Allen, 1820; by S. A. Nightingale, 1820; rebuilt, 1827. The Society of Friends established a migratory school for children of the denomination in 1777. Smithfield complied with the state school act of 1800, distributing \$1000 annually to twenty-four school districts. Smithfield School Society was chartered in 1808, and Woonsocket public school in 1810. Smithfield had three academies: Thornton's, at Slatersville, 1773-1793; Smithfield Academy, chartered 1808, granted a lottery, 1810, continued to 1853; Greene Academy, chartered and granted a lottery, 1812, became a district school in 1843. Twenty schools were kept in Smithfield in 1819; two academies and nineteen schools in thirteen schoolhouses, in 1828.

South Kingstown—Samuel Sewall's trust, fifty acres of land at Pettaquamscott "for the procuring, settling and supporting and maintaining a learned, sober and orthodox person, from time to time and at all times forever hereafter, to instruct the children and youth as well of English there settled, or to be settled, as Indians, the aboriginal natives of the place, to read and write the English language and the rules of grammar," materialized in 1781, when a schoolhouse was built on Tower Hill. The academy was removed to Kingston in 1819, incorporated under the name of Pettaquamscott Academy in 1823, and renamed Kingston Academy in 1826. The academy lost the Sewall foundation in 1840, and survived until 1863. Four schools were kept in South Kingstown in 1819; in 1828 there were, besides the academy, seven schoolhouses.

Tiverton—Ten schools were kept regularly in ten schoolhouses in 1828; there were also other rural schools.

Warren—Liberal School Society of Warren was incorporated, 1791. Warren Academy was granted a lottery, 1803. The town had one schoolhouse and the academy in 1819; three quasi-public schools, one private school and the academy, in 1828.

Warwick—School societies were chartered: North School Society, 1794; West School Society, 1803; Central School Society, 1804. A schoolhouse built in 1798 on land granted by Stephen Arnold, was removed across the road in 1828. This school served the village of Crompton until a few years after 1828. A schoolhouse was built at Centreville in 1803, by the West School Society. Warwick had seven schoolhouses in 1828; ten winter schools were taught by men, and six summer schools by women.

Westerly—Red schoolhouse was erected, 1800; Pawcatuck Academy, 1800, and Westerly Academy, 1816, were chartered. Westerly had two academies and six schoolhouses in 1828, in which schools were kept regularly.

West Greenwich—Two schoolhouses in 1828, both built by subscription; eleven schools were kept three months in the winter, and three of the eleven through the year.

Between 1775 and 1800 the following books, mostly textbooks adapted for use in schools, were published by Rhode Island printers: Four editions of the "New England Primer," in 1775, 1782, 1785, and 1800; two editions of the "Pennsylvania Spelling Book," in 1782 and 1789; Ross's "American Latin Grammar," in 1780; Burr's "American Latin Grammar," in 1794; the "Universal Spelling Book," in 1784; the "American Youth's Mathematics," in

1790; Wilkinson's "The Federal Calculator," in 1795; the "Young Ladies' and Gentlemen's Preceptor," in 1797. Fox's "Instructions for Right Spelling," was published in Rhode Island in 1737.

Providence—The Providence public school story is most interesting as an illustration of a method by which a free public school system might be developed without precedent by a democratic community intent on solving what it had discovered as an educational problem; it shows democracy in action, treading a way through unexplored experiences and attaining as the result of long consideration and discussion the first complete American free public school system. American public education results from a recognition by the state, as society's agent, of responsibility for the training of the rising generation. The principle was stated clearly by John Howland in 1799 toward the close of the agitation for a public school system in Providence that had continued over a third of a century. The period in Providence was long in years, but short in contemplation of the fact that only the most advanced of civilized nations have yet reached the same ideal. The movement in Providence began before the Revolution, was abated during the struggle for independence, and carried on to fruition in 1800. Joseph Olney, Esek Hopkins, Elisha Brown, and John Mawney were elected a school committee in Providence in 1752, to care for the town schoolhouse and to appoint a master. Perhaps this committee and other early school committees should be designated schoolhouse committees; their duties were stated explicitly in 1756 as being "to have the general oversight and care of the town schoolhouse, as well as for repairing the schoolhouse, appointing and consulting with the master, or doing what else may be needful about the same, provided that the town be put to no expense thereabout." This record makes clear also the general attitude of the town of Providence in 1756 toward school support. There was no inclination to assume the burden of school support beyond providing a schoolhouse.

Providence voted in 1767 to provide four schoolhouses and to place the schools under control of a school committee. Committees on school property and for the preparation of regulations were appointed. Both committees reported January 1, 1768. The committee on school property recommended the construction of two new schoolhouses east of the river, one each at the upper and lower ends of the town, and a large brick schoolhouse on the old Colony House lot. The committee on regulations reported a plan for a system of free schools, open without tuition to children of the inhabitants of the town, freemen or otherwise, with provision for teaching "reading, accenting, pronouncing and properly understanding the English tongue" for not exceeding two hours per day, the remainder of the school day to be reserved for "writing, arithmetic, the various branches of mathematics and the learned languages." The plan contemplated grading the pupils; to enter the "small schools" children must have "learned their letters and acquired some acquaintance with spelling"; to enter the larger school, "they must have gained considerable knowledge in reading and writing." The town meeting rejected both reports. Moses Brown, of one committee, wrote this comment upon the town's action: "1768, Laid before the town by the committee, but a number of the inhabitants (and what is most surprising and remarkable, the plan of a free school, supported by a tax, was rejected by the poorer sort of the people), being strangely led away not to see their own as well as the public interest therein (by a few objectors at first), either because they were not the projectors, or had not public spirit to execute so laudable a design, and which was first voted by the town with great freedom." The town meeting did, however, resolve to build a two-story brick schoolhouse, 30x40 feet, near the courthouse, out of the proceeds of the sale of the old town schoolhouse, a tax of £100, and £182 17s., to be raised by public subscription, and to support a free school in the building. Public subscriptions twice failed to reach the amount designated, but in July, 1768, a list was completed and building was undertaken. The subscribers were incorporated in 1770. A two-story structure was erected, the

lower floor controlled by the town, the upper by the subscribers. The building is still used as a city schoolhouse; it stands on Meeting Street. Both floors were occupied in 1770, the upper by Rhode Island College, and the lower by the University Grammar School, while the college, which had removed from Warren, awaited the completion of University Hall. Benjamin West, astronomer, kept a school in the building afterward, receiving "his reward for educating from the parents of those that he shall teach." Stephen Hopkins, Jabez Bowen and Moses Brown were appointed a committee, in 1772, "to draw up regulations for the town schoolhouse, and to procure and agree with suitable persons to keep the same at the expense of those who sent their children and youth to said schools, and to do everything necessary toward rendering said school useful." Except that the town owned part of a new schoolhouse, little progress toward free schools had been made. Whipple Hall, another society school, was chartered in 1768; a schoolhouse for two schools was erected at the corner of Halsey and Back streets. The Revolution interrupted schools, and the project to establish a town public school system was postponed.

Providence emerged from the Revolution with three schoolhouses, the Brick schoolhouse on Meeting Street, Whipple Hall, and a schoolhouse west of the river. Early in 1785 a committee appointed to draw up a plan for school government reported, in words which recognized the public need and stated the logical conclusion: "They have endeavored to suggest some general outlines for the regulation of schools, as they are now supported by individuals, but are of the opinion that no effectual method can be devised for the encouragement of learning and the general diffusion of knowledge and virtue among all classes of children and youth, until the town shall think proper to take a matter of so much importance into their own hands, and provide and support a sufficient number of judicious persons for that purpose." In town meeting, June 29, 1785, a school committee was appointed "to take the government of the town schoolhouse under their direction, and to appoint proper masters, and to give their direction for the government of the schools," with power also to "take charge of such other schoolhouses in town as the proprietors may think proper to resign into the care of the town, and also of such funds as may be hereafter provided by the town for the support of schools," and to negotiate with the proprietors for a surrender of their schools into the charge of the town school committee. The purpose of combining existing agencies under public control was clearly indicated. The committee went to work earnestly to carry the project into effect, but failed ultimately of actual accomplishment, because the financial town meeting made no adequate appropriation.

Almost six years later, June 6, 1791, a petition for the appointment of a sufficient number of schoolmasters to instruct all the children in the town at public expense was referred to the school committee. The committee reported on August 1 a plan drafted by President Manning of Rhode Island College, who had died suddenly a week before. The committee recommended the purchase of society interests in the Brick schoolhouse and Whipple Hall, and building two new schoolhouses, one on the west side of the river, and the other at the lower end of the east side. The report was approved in the general town meeting, but another failure was recorded for want of an appropriation by the financial meeting. Chace's map of Providence, 1798, showed five schoolhouses: The Brick schoolhouse on Meeting Street; Whipple Hall, near the northerly end of Benefit Street; neighbors' school, George Street, close to Magee Street; neighbors' school, Mathewson and Chapel streets; Dexter's or Sheldon's School, lower east side, near Benefit Street. The school committee of 1785 included: President Manning, Rev. Enos Hitchcock, Rev. Joseph Snow, Rev. Thomas Fitch Oliver, Hon. Jabez Bowen, Dr. Thomas Truman, Nicholas Brown, John Innis Clarke, and Moses Brown, four clergymen, two lawyers, one physician, and two wealthy merchants. Moses Brown,

Brown, in 1768, had reason to lament the apathy, indifference and opposition of freemen of the poorer classes, which defeated the movement for free public schools in that year. The school committee of 1785 was a combination of professional and rich men. Success ultimately was achieved through the efforts of a combination of the wealthy and educated men with the more enterprising mechanics of the town. A man and an organization supplied the stimulus. The successful movement was largely the work of the man; the organization became his accessory before the fact, and the professional and wealthy men joined willingly in promoting the enterprise.

**JOHN HOWLAND AND HIS PROJECT FOR FREE SCHOOLS**—Home from the war marched a soldier boy. Not yet twenty years old, he had been with Washington at Trenton. Ragged, but probably not unkempt—his vocation forbade that; almost barefooted, weary and hungry, he trudged along over the country roads from New York, through Connecticut; for the Continental Congress was in dire straits for money and could not furnish transportation for soldiers discharged from the service. The soldier boy was John Howland, a barber. Born in Newport in 1757, he was apprenticed to a hair-dresser in Providence when thirteen years of age. He joined the continental army when eighteen. His shop in Providence became, after the war, a resort for the leading townsmen; but he retained always his associations with the mechanics and more humble tradesmen. He rose to be town treasurer, member of the school committee for a generation, President of the Rhode Island Historical Society, President and Treasurer of the Providence Institution for Savings. He led the movement which established free public schools in Providence, and he lived to see the system spread throughout the state. This was the man. The organization was the Providence Association of Mechanics and Manufacturers, founded February 27, 1789, “for the promotion of home manufactures, the cementing of the mechanic industry and for raising a fund to support the distressed.”

John Howland became an active member of the association and an earnest advocate of free schools. He urged upon the members the importance of public education as a means of improving their condition; he was a frequent contributor to the public press as well, always advocating public schools free for everybody. In 1798 he was appointed a member of a committee of the association to “inquire into the most desirable method for the establishment of free schools.” He wrote for the association a petition for free schools which was presented to the General Assembly in 1799, and contained these statements, with others: “That the means of education which are enjoyed in this state are very inadequate to a purpose so highly important. That numbers of the rising generation whom nature has liberally endowed, are suffered to grow up in ignorance, when a common education would qualify them to act their parts in life with advantage to the public and reputation to themselves. That in consequence of there being no legal provision for the establishment of schools, and for want of public attention and encouragement, this so essential part of our social duty is left to the partial patronage of individuals, whose cares do not extend beyond the limits of their own families, *while numbers in every part of the state are deprived of a privilege which it is the common right of every child to enjoy.*” Here was a clear enunciation of a fundamental principle: “That education is the common right of every child.” John Howland wrote also the resolutions adopted by the Providence town meeting, which instructed its Deputies in the General Assembly to support the petition. He rallied influential members of the General Assembly to his cause. The General Assembly ordered 400 copies of a favorable committee report on the petition and a bill accompanying the report printed, and distributed for discussion in town meetings, following the practice thus of conducting a type of referendum on important measures.

The bill, as passed early in 1800, was one of the most significant pieces of school legisla-



with Affection and Regard  
John Howland,

JOHN HOWLAND, FATHER OF THE PUBLIC SCHOOL SYSTEM



tion ever enacted by an American legislature, as it incorporated in its provisions the most essential principles of American public school law. *It was the first American free public school law*, planning a comprehensive, universal, statewide system of free education; it was absolutely without precedent, and entitled the Rhode Island General Assembly of 1800 to recognition as the first American legislature to attain a vision of a school system free for all the children of all the people. An act of so great significance warrants brief exposition: The preamble recited a public purpose: "Whereas, the unexampled prosperity, unanimity and liberty, for the enjoyment of which this nation is eminently distinguished among the nations of the earth are to be ascribed, next to the blessing of God, to the general diffusion of knowledge and information among the people, whereby they have been enabled to discern their true interests, to distinguish truth from error, to place their confidence in the true friends of the country, and to detect the falsehoods and misrepresentations of factious and crafty pretenders to patriotism, and this General Assembly being desirous to secure the continuance of the blessings aforesaid, and moreover to contribute to the greater equality of the people by the common and joint instruction and education of the whole." The act declared: "That each and every town shall annually cause to be established and kept, at the expense of such town, one or more free schools for the instruction of all the white inhabitants of said town between the ages of six and twenty years in reading, writing and common arithmetic, who may stand in need of said instruction and apply therefor." It required town councils to divide each town into school districts, not exceeding four in any town, and stipulated for each town the number of schools and the length of term. To aid towns in meeting the requirements of the statute, provision was made for remission of twenty per cent. of state taxes, not exceeding \$6000 annually, the money to be used exclusively for school purposes, and forfeited unless so used. In any school district a meeting of freemen, seven being a quorum, had power to assess a tax on ratable estates in the district for building, repairing or improving a schoolhouse, or for extending a school term beyond the minimum required by law. Teachers must be citizens of the United States, and certificated by the town council, which body was made a town school committee. The essential features of American school legislation were embodied in the provisions for mandatory maintenance of schools, state support and additional support provided by the community; and in the opening of schools without tuition to all who applied for instruction. Unfortunately most of the towns were not ready for free schools, and the act was repealed in 1803, Bristol, Middletown, Providence and Smithfield having complied with its provisions. Notwithstanding its failure as a permanent piece of state legislation, the act of 1800 had accomplished its primary purpose; Providence had achieved a free public school system. *Indeed, Providence was the first town in the United States to establish a universal free public school system*, and the free public school system established in Providence under the first state free school law, is the oldest existing system in America.

**FREE SCHOOLS ESTABLISHED**—John Howland's work was not completed with the enactment of a law; it remained to carry the plan through the town meeting in Providence, and to this task John Howland addressed himself immediately. The freemen of Providence, in town meeting on April 16, 1800, appointed James Burrill, Jr., John Corlis, Richard Jackson, Jr., John Carlisle, Joel Metcalf, William Richmond and John Howland as a committee to draw up and report a plan for carrying the act of 1800 into effect. The committee reported the four schoolhouse plan, familiar since 1767, the purchase of Whipple Hall and society rights in the Brick schoolhouse, and building two additional schoolhouses. John Howland was successful in avoiding disaster in the town meeting, so successful that \$6000, instead of the \$4000 requested by the committee, was appropriated. Two new brick buildings, 50x30 feet, two stories high, were constructed, and equipped with sixty double desks. A fifth schoolhouse of

stone, one story high, was erected in 1819. The schools were opened October 27, 1800, with 988 pupils, 180 at Whipple Hall, 230 at Meeting Street, 240 at Transit Street, and 338 at Claverick Street. Five assistant teachers were appointed November 1, 1800, to carry the load of an altogether unexpected enrollment; the free public schools were popular immediately and justified the fondest dreams of those who had advocated them. The course of study included "spelling, accenting and reading in both prose and verse with propriety and accuracy, and a general knowledge of English grammar; . . . writing a good hand according to the most approved rules, and arithmetic through all the previous rules, and vulgar and decimal fractions, including tret and tare, fellowship, exchange, interest," etc. Schools were kept through the year, with few holidays, five days a week, six hours a day in winter, six and a half hours a day in spring and summer, an effective application of daylight saving. Tuition was free, but pupils were assessed a small charge for fuel and replacing glass, and provided their own books and supplies, including ink, except that the town council provided books to be loaned to pupils too poor to buy them. The general rules for schools, written by John Howland, indicated an enlightenment in school discipline and incidental values of education remarkable for the period, and scarcely surpassed by modern codes. These rules "recommended to the schoolmasters that, as far as practicable, they exclude corporal punishment from the schools, and in particular that they never inflict it on females; that they inculcate upon the scholars the propriety of good behavior during their absence from school; that they consider themselves in the place of parents to the children under their care, and endeavor to convince them by their treatment, that they feel a parental affection for them; that they never make dismissal from school at an earlier hour than usual a reward for attention or diligence, but endeavor to lead the children to consider being at school a privilege, and dismissal from it as a punishment; that they never authorize one scholar to inflict any corporal punishment on another; that they endeavor to impress the minds of their pupils with a sense of the being and providence of God, and the obligation they are under to love and reverence Him, their duty to their parents and masters, the beauty and excellence of truth, justice and mutual love, tenderness to brute creatures, the happy tendency of self-government and obedience to the dictates of reason and religion, the observance of the Sabbath as a sacred institution; the duty which they owe to its laws; and that they caution them against the prevailing vices." The schools were administered by the town council, which disbursed the appropriation and controlled the selection of teachers, asserting the exclusive right to select teachers in a test case. The school committee was supervisory principally, its most important function being visiting; it might be called a "visiting committee." In 1816 a clergyman was named by the council to visit each school building between the quarterly visitations by the school committee. The freemen eventually surrendered their function of electing a school committee, and in 1827 the town council elected a committee of thirty-six members, of which Francis Wayland, President of Brown University, was chairman. Henrietta Downer and her sister, Lucilla, conducted a school for small children in the upper story of the Transit Street building as early as 1801, without salary or expense to the town. Until 1827 the Providence teachers were all men; in April, 1827, Miss Carr was appointed, on public salary, to teach a public school for children five to eight years of age. Besides the public schools, which continued to provide for 1000 children through the first quarter of the nineteenth century, there were in 1828 six academies and eighty to ninety other private schools in Providence. The town spent annually \$3750 for salaries of teachers, and very little additional for operating expenses; the amount expended for private tuition was estimated at \$15,000 annually.

**LOTTERIES TO AID EDUCATION**—The initiative in promoting the legislation of 1800 had come from Providence, and the primary purpose of the movement had been accomplished in the establishment of the Providence free public school system. Other towns thereafter, as

before, were content to advance educational interests within their borders as indicated in the summary presented above. The General Assembly granted lotteries for educational purposes as follows: 1759-1760, to aid in replacing a library destroyed by the fire that razed the Colony House in Providence in 1758, with the condition that the library thereafter should be accessible to members of the General Assembly; 1767, to complete the parsonage of the Baptist Church at Warren, because "Dr. Manning\* hath now under his care several pupils to be educated in the liberal arts, who cannot be accommodated in the said house in its present condition"; 1774, to the inhabitants of East Greenwich to raise money to build a schoolhouse in the town, to the committee of the "Baptist or Antipaedobaptist Society," to build a meeting-house "for the worship of Almighty God and holding the public commencements in"; 1795, to thirty-six citizens of Newport, as trustees, to rebuild Long Wharf, build a hotel, and apply the rents and profits to the maintenance of a public school for the children of Newport; 1796, to Rhode Island College, "for cogent reasons assigned," to raise not exceeding \$25,000 for use of the college; 1797, to aid Bristol Academy; 1801, to build an academy at South Kingstown; 1803, to aid Washington Academy at Wickford, to aid Warren Academy; 1804, to build a schoolhouse and meetinghouse near Cory pond in East Greenwich, to build a schoolhouse and meetinghouse at Charlestown; 1805, to finish a meetinghouse and schoolhouse at Hopkinton City, to aid Frenchtown Seminary, to build a schoolhouse at Four Corners in North Kingstown; 1806, to raise \$3000 for Redwood Library, Newport; 1808, to aid an academy in North Providence on Smithfield pike, to the Smithfield Academy Society; 1810, to Smithfield Academy; 1811, to Brown University,† to build a house for the steward and promote various objects of the institution; 1812, to the Greene Academy in Smithfield; 1817, to Scituate and Foster Academy; 1823, to the inhabitants of Old Warwick, to erect houses of worship and for the education of youth; 1825, to Redwood Library, Newport, increasing the amount to be raised under the grant of 1806, to build a schoolhouse in Richmond; 1829, to James Stevens, to aid in publishing a map of the state; 1830, to the Rhode Island Historical Society, to aid the Providence Bar Library. This library was afterward taken over by the state, and formed a nucleus for the present Rhode Island Law Library.

A FRESH MOVEMENT—Governor Nehemiah R. Knight, in a message to the General Assembly in October, 1818, recommended action by the state to provide schools for youth employed in factories, thus:

While the general government protects and encourages agriculture, commerce and manufactures, the legislatures of the several states are the immediate guardians of the public morals and education; to them is more particularly entrusted the duty of providing for the cultivating and enlightening of the mind, a trust so essential in all good societies and especially so in a government where all power is vested in the people, and all the acts of the public functionaries are weighed and tested by public opinion. It is true that many persons have done much by establishing Sunday schools in the neighborhood of the manufacturing villages of the state; but when we reflect how small a portion of time is appropriated to education by Sunday schools alone, we must be sensible that the acquirements of the youth who labor in these factories must be extremely limited. And it is a lamentable truth that too many of the rising generation who are obliged to labor in those works of almost unceasing application and industry, are growing up without an opportunity of obtaining that education which is necessary for their personal welfare, as well as the welfare of the whole community. I am well assured that a plan can be devised and carried into effect by the aid of the legislature, and without any expense to the state, that shall educate them in a manner that will make them not only useful to their country, but also to themselves, and will enable them, not only to exercise the privileges of freemen, but be capable of estimating these blessings.

\*President of Rhode Island College. The students were preparing in the University Grammar School for entrance to the regular classes of the college.

†Name of Rhode Island College had been changed to Brown University.

A committee appointed to consider the recommendation reported that it was inexpedient to establish public schools for persons employed in manufacturing establishments.

The General Assembly appointed a committee in June, 1821, to inquire into the condition of education and ordered town clerks to "make a correct return . . . of the number of schools in their respective towns, and the branches of learning taught therein; of the number of months of the year in which the schools are opened, the average expense of tuition for said schools, and the number of pupils attending the same; . . . a correct statement of the number and condition of the several schoolhouses . . . and . . . other information with respect to the public and private schools . . . ." The committee did not report. Three years later a constitutional convention drafted a constitution, which the freemen did not ratify. The proposed constitution included an article on "Education," which provided for the accumulation of a permanent school fund, the income of which was to be applied to support free public schools.

Earlier than 1828, when the "American and Gazette," a public newspaper, collected and printed school statistics covering the state, one other comprehensive collection was made in 1819 by the "Rhode Island Register," an almanac. Information for the statistics of 1819 was obtained as answers to inquiries addressed to town clerks; several failed to answer, and the list of towns and number of schools as printed in the almanac were incomplete. The "American and Gazette" statistics were based upon "statements gathered from the representatives of the towns named,\* the general correctness of which may be relied upon, though the statement is not as full as could be wished." Twenty-seven of the thirty towns in 1819 reported 192 schools and 13 academies; no town that reported had no schools; the towns that did not report were Newport, New Shoreham and West Greenwich. Newport at the time had the Potter school, and probably not less than twenty private schools. It is not likely that West Greenwich, which had eleven schools in 1828, had none in 1819. The report for thirty towns in 1828 indicated 193 schoolhouses, 167 whole year schools, 98 winter schools, 19 summer schools, 294 schools altogether, and 16 academies. The report for 1828 included only public schools in Newport and Providence, which at the time had over 100 private schools. Without correction the figures for 1819 and 1828 warrant these significant conclusions: (1) No town that reported in 1819, and probably no town in Rhode Island in 1819, had no schools; (2) every town in Rhode Island had two or more schools in 1828; (3) there were 193 schoolhouses in Rhode Island, exactly the same number of schools as polling places in the biennial election of 1828; (4) the gain in the number of schools in Rhode Island in nine years from 1819 was fifty per cent., whereas the population in the nearest decennial census period increased only sixteen per cent.; (5) education was a "lively experiment" in Rhode Island in 1828, and the experiment was far from being new; (6) there was a town system of public schools existing in Rhode Island in 1828, which had been developed in the fifty years that had elapsed since the Revolution.

**FACTS ABOUT RHODE ISLAND**—The most unfortunate statements about Rhode Island education have originated in Rhode Island or have been based upon ignorance of facts that has been almost inexcusable. Bad news travels in seven league boots; "the evil that men do lives after them." An editorial printed in the "American and Gazette," October 16, 1827, and in the "Microcosm" on October 19, 1827, has been reprinted many times and has furnished the background for the summary of Rhode Island education recurring most frequently in American "histories of education." "No man who knows anything about the subject," wrote the editor, "will deny that there are a less number of schools and vastly a less number of children engaged at school in this state than within the same extent and among an equal

\*Members of the General Assembly gathered for a meeting in Providence were interviewed.

number of population in any state in New England. The consequence must be, unless it can be shown that learning is intuitive, that the youth of Rhode Island are not so well educated as the children in any other state, where free schools are established. . . ." The thoughtful reader might wonder where was the man who knew "anything about the subject," in view of the fact that official reports on education based on official statistics were almost unknown in 1827. Again, a thoughtful reader might wonder what state had established free schools in 1827, to furnish a basis for comparison. A later editorial published in the "*American and Gazette*" showed that the editor himself did not know "anything about the subject" when he wrote the editorial of October 16, 1827; in 1828 he had become acquainted with real facts about Rhode Island education and had changed his view completely. On January 18, 1828, referring to the summary of school statistics gathered from members of the General Assembly, the editor wrote: "There is a much larger number of schoolhouses erected than has been generally supposed, and but few additional ones will be required" to put into effect a state system, which he was advocating. The editor continued: "We have another reason for publishing this statement—to show our sister states that there is by no means an indifference to the subject of education in this state. The greatest deficit is the want of a regular, well-digested system, an extension of the present means of education, and an equalization of its burdens." The editorial of January 18, 1828, slumbered in the files of the "*American and Gazette*," almost "born to blush unseen and waste its fragrance" for ninety years.<sup>†</sup>

Rhode Island was on the verge of a new educational experiment in January, 1828, and the "*American and Gazette*" and its able editor, B. F. Hallett, were supporting the movement as it approached fruition with all the resources of the paper. The General Assembly, in 1828, referred a bill "for the establishment of lotteries for the purpose of raising a fund for the support of free schools" to the next session. Rhode Island had derived so early as the middle of the eighteenth century a portion of its revenues from profits on lotteries in excess of the amounts specified to be raised. Lotteries were investigated on occasion, among them those granted to Smithfield Academy, 1810, and Scituate and Foster Academy, 1817. Indeed, petitions for charters for academies warranted suspicion, in some instances, that petitions for lotteries were to follow, and that the seemingly quickened interest in secondary education in some sections of the state was stimulated by and was a cloak for a deeper interest in legalized gambling. The bill of 1825 was "for the establishment of lotteries"; yet it capitalized a rising public sentiment strongly favorable to public schools. "It would be a fine opportunity, calmly and seriously, to take up the subject of free schools, and provide a fund from lottery patronage and other taxes or surplus revenue. There is on the docket no business of great importance," said the "*American and Gazette*" on October 20, 1827. For the time being the General Assembly was granting franchises for lotteries for a consideration to be paid into the treasury, and the editor saw in the surplus revenue accumulating an opportunity. A bill to raise a fund for public schools by lottery was included in the unfinished business at the October session, 1827. Memorials or petitions from the towns, including Burrillville, Cumberland, East Greenwich, Johnston, Providence, Smithfield and South Kingstown, requested action favorable to free schools. A set of resolutions proposing the establishment of a permanent school fund was presented, and laid upon the table; the vote was favorable to free public schools immediately, because the effect of creating a fund at the time would have been postponement of speedy realization of the public school project.

The committee to which the town petitions had been referred reported on November 1, 1827, a bill providing for the appropriation of revenues derived from lottery and auction fees for the support of public schools. This was the first draft of the public school law of 1828; it made no further progress until the January session, 1828. Meanwhile the "*American and Gazette*" had taken up the fight for public schools in earnest. "There is one subject of much

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<sup>†</sup>Reprinted first in Carroll's "*Public Education in Rhode Island*," 1918.

more importance to Rhode Island than the election of a President," wrote the editor on January 4, "and that is the establishment of free schools. To be sure, those who would favor a military despotism would not be anxious to disseminate education, but this is a question involving the dearest interest of present and future generations, and all others ought to be made to yield to it." A week later the editor returned to the same subject, writing, in anticipation of the opening of the January session of the General Assembly: "Among all the subjects which will come before them, the bill for establishing free schools stands preëminent. This deserves an early and deliberate consideration. Happily no real difference of opinion exists as to the expediency of establishing free schools, and we do not believe that if the question were taken by ayes and noes, a single member of the House would answer in the negative. There are three or four members in the Senate we should anticipate a negative vote from, in accordance with their uniform objection to every measure of public opinion and improvement. The only question that will produce difference of opinion is the mode of establishing schools, the ways and means by which they are to be supported—whether it shall depend upon a somewhat precarious revenue derived from lotteries, etc., or whether to this sum shall be added an equal or proportional amount raised by the several towns in such manner as they may think proper. As to the plan proposed by Mr. Waterman,\* the benefits of which are to be experienced by the children of the great-grandchildren of the present generation, no man who is a father can listen to it a moment. We do not believe in the maxim 'Let posterity take care of itself,' but it surely is a correct principle that we should first provide for the present rising generation. Let free schools be established to the extent our present means will allow, and future generations will provide for preserving and enlarging the system. There is no instance in which a system of free schools, once fairly established, has been abandoned. It can, moreover, be plainly shown that the voluntary tax to be raised by each of the towns to entitle them to an equal or larger sum from the treasury, will not exceed the amount they already pay for the schools kept within their limits. Under the contemplated bill they will, therefore, receive double the benefits they now experience, at no greater expense, than they already voluntarily incur for the education of their children." Besides advocating provision immediately for public schools supported in part by appropriations from the general treasury, the editor had interpreted the movement of 1828 as coöperative. It aimed to strengthen agencies in the field, both public and quasi-public, and to bring them together into a public system. It purposed taking complete advantage of the schoolhouses and the schools already existing, of the 193 schoolhouses and 294 schools and 16 academies. "Few additional ones will be required," wrote the editor on January 18, 1828. All that was necessary to comply with the provisions of the act of 1828 as it was passed ultimately, and thus to earn the right to participate in the distribution of state school money, was transfer of control of schools from private or quasi-public agencies to strictly public town agencies—the new school committees created by the act. Property rights and titles to school estates might remain unchanged. In this there was similarity to the proposal made in Providence in 1785 that the school committee, besides directing schools in the town schoolhouse, "take charge of such other schoolhouses in town as the proprietors may think proper to resign into the care of the town, and also of such funds as may be hereafter provided."

As the "American and Gazette" predicted, the opposition to the public school bill was veiled, although the debate proceeded animatedly through morning and afternoon sessions in the House, continuing until after 5 o'clock in the afternoon. The "American and Gazette" published a verbatim report of the debate, written by the editor, B. F. Hallett. The debate was resolved into a contest between proponents of the Tillinghast, or committee bill, providing for immediate action, and those who supported the Waterman bill, providing for a permanent school fund and the postponement of further action until the fund was earning an

\*The school fund proposition of October, 1827.

income sufficient to maintain a state school system. An attempt to substitute the Waterman bill for the Tillinghast bill was defeated decisively, and the House proceeded to debate the Tillinghast bill, section by section. It emerged from the discussion in modified form, essentially a compromise measure, and curiously, considering the emphatic defeat of the Waterman bill, carrying provision for the creation of a permanent school fund as well as for an annual appropriation to be made immediately. Perhaps the explanation of the compromises was the purpose of those promoting the measure to obtain an act that would arouse the least possible opposition among the freemen in town meetings after it had passed through the General Assembly. In amended form the Tillinghast measure required no town appropriation to supplement the money to be apportioned by the state; it could be put into operation in every town in the state without incurring the risk of refusal of financial town meetings to make appropriations.

THE LAW OF 1828—The act of 1828 (1) appropriated for the support of the public education all money paid into the general treasury by managers of lotteries and auctioneers as fees; (2) appropriated annually from the revenue thus segregated \$10,000 for apportionment to the several towns, in proportion to population under sixteen years of age, to be expended exclusively for the support of public schools; (3) provided for supplementing the specific revenue, if necessary, by transfer from the general treasury of enough money to assure \$10,000 for apportionment annually; (4) appropriated \$5000 from the general treasury as the nucleus for a permanent school fund, to which should be added annually the excess, if any, of receipts of lottery and auction fees over \$10,000; (5) authorized town appropriations to supplement state money to an amount in each town not exceeding twice the amount apportioned to the town by the state; (6) created a school committee in each town, to be elected by the freemen in town meetings; (7) authorized the town school committee in each town to make rules and regulations for schools, including prescribing courses of study and discipline, to hire and dismiss teachers, and to locate schools, and (8) included provisions for the administration of state revenues and expenditures in separate accounts for (a) school money, (b) permanent fund, and (c) other money, and for certification by town councils that the money apportioned to towns had been expended exclusively for public schools. The purpose of establishing a public school system reaching into every municipality might not have been accomplished had the statute permitted apportioning the state money for the support of schools controlled by private agencies. Another very significant feature of the legislation of 1828 was the creation in each town of a school committee chosen by the freemen, and independent of and not responsible to the town council. The act of 1828 thus deliberately separated the administration of public schools from other municipal business; the maintenance of separation and independence involved stern and unremitting resistance in later years by school committees to attempted encroachment by town councils, city councils and financial town meetings upon functions reserved for the school committees. In interpreting the statute the courts have sustained the school committee.<sup>†</sup>

The effect of the act of 1828 was immediately the organization of public schools in towns not sustaining public schools previous to 1828, and in several towns the surrender to control and management by public school committees of schools already in operation but theretofore controlled and managed by private agencies. The act did not establish a state school system, if by that is meant an organization controlled by state officers or supervised by state officers; nor was the law effective as a mandatory statute. Except that the certificates of town councils that public money had been expended indicate the amount thereof, no state statistics are available whereby to measure the efficiency of the public school system of the period. That the several towns took action to carry the law into effect by appointing school committees appears

<sup>†</sup>Hardy *vs.* Lee, 36 R. I. 302. Times Publishing Company *vs.* C. Ellis White, 23 R. I. 334. Dube *vs.* Peck, 22 R. I. 443. Dube *vs.* Dixon, 27 R. I. 115. Wilbur *vs.* School Committee of Little Compton, 1929.

on the records of the town school committees, which include also other information concerning the schools. Oliver Angell, who was a public school teacher in Providence, collected statistics of public education in 1831 as member of a committee appointed at a "public meeting of gentlemen interested in the cause of education who assembled in the Town House in Providence." Angell's report showed for each town in the state the number of public and private schools maintained in 1831, the enrollment of pupils in public and in private schools, the amounts appropriated by the several towns to supplement the public money received from the general treasury, the length of school year in each town, and for the state the total number of men and women teachers in public and in private schools. The number of public schools was 323, and of private schools was 269, as reported by Angell, a total of 592 as compared with 294 in 1828, a gain of over 100 per cent. Angell's report of 17,034 pupils enrolled in public schools appears to have been reached by estimation in several instances; if corrected for the whole state to conform to school committee records in instances in which these are available, an assumption of an enrollment reaching 15,000 is warranted. The length of school year varied from twelve months in Providence and Newport to one month in Little Compton. Of 465 teachers employed in public schools, 318 were men and 147 were women. Towns appropriated \$11,490 in 1831 to supplement the state appropriation of \$10,000. Significant indices of improvement in three years, 1831 compared with 1828, appear in the facts that (1) the total number of schools had doubled; (2) two or more public schools were kept in every town in the state in 1831; (3) the number of children receiving instruction at public expense had increased tenfold; (4) more than half the towns in the state, 17 of 31, made appropriations in 1831 to supplement the state school money; (5) the total of town appropriations exceeded the state appropriation. The state of Rhode Island never expended \$10,000 annually with greater advantage or with larger immediate and permanent results than were shown in the improvement of public schools over the three-year period.

**ANOTHER ADVANCE IN PROVIDENCE**—The same general social force operating throughout the state to produce the gains indicated in the preceding paragraph produced in Providence, where the public schools had been established a quarter-century earlier, a revival of interest and an advance. As early as 1826 the town council and school committee requested schoolmasters to report "their opinions whether any improvement may be made in the mode of instruction, and if so, to give their views of such improvement in the art of writing among the scholars of the several public schools." In the same year new textbooks were prescribed. A school for small children, under a woman teacher, was opened in 1827. It was resolved on January 24, 1828, that Francis Wayland, President of Brown University, Thomas F. Waterman and William T. Grinnell be "requested and directed to visit all the schools under the care of the common council, report the books used in each school, the studies pursued, the age at which the scholars are admitted, the average amount of absence, and whatever else may seem to them important, and suggest such alterations and amendments in the general system of instruction, and such regulations for the general government of the schools as they may deem expedient." Thus was inaugurated in Providence the first official survey of a municipal public school system made in the United States.

The report of the survey commission was written by Francis Wayland and was worthy of that distinguished educator, whose view of public education was liberal and enlightened, and of college education was so much in advance of his era that he introduced the elective system of studies at Brown University nearly two generations before it was "discovered or invented" at Harvard. Wayland discussed first the principles of equity that should be observed in provision for a public school system, thus: "There should be furnished a number of schools sufficient to accommodate all who wish to avail themselves of their advantages. Everyone sees the injustice of taxing the whole community to support one or two schools, to which not more

than one-tenth of the whole number of children can find admittance. The same injustice will evidently occur if the number of scholars imposed upon a teacher be so great as to render his instruction of so little value that a large portion of the community is obliged to resort to private schools. The same principle would dictate that there be established various grades of schools suited to the wants of the public. If there be but one description of schools, it must either be so elevated that many of the parents cannot prepare their children to enter it, or else so elementary that none would avail themselves of its advantages for any considerable length of time, or else everything of necessity would be so imperfectly taught that a very small portion of the community would receive the benefit of that provision, which all were taxed to support."

At a later stage in his report Wayland recommended the establishment of a public high school, thus: "It may here be properly suggested whether equity does not demand that the system of public education in this town should make provision for at least one school of high character, a school which should provide instruction in all that is necessary to a finished education. If it be said that such a school would be of advantage only to the rich, it may be answered, as the rich contribute in an equal proportion to education, why should not they be entitled to a portion of the benefit? But it is far from being the case that such a school would be only for the rich. It would be as much a public school, as open to all, and as much under the government of the public as any other. But it would evidently be of most peculiar advantage to the middling classes, and the poor. Such an education as we propose, the rich man can give, and will give to his son by sending him to private schools. But the man in moderate circumstances cannot afford to incur the heavy expenses of a first-rate school, and if no such provision be made, the education of his children must be restricted to the ordinary acquisition of a little more than reading and writing. With such a school as we have contemplated, he would be enabled to give his child an education which would qualify him for distinction in any kind of business." The report proceeded from an argument that would support a public school system rising from infant school to university, to a discussion of defects in and remedies proposed for the schools of Providence: "And lastly, the principle of equity to which we have alluded would dictate that the public schools of every description should be well and skillfully taught. . . . The schools now number on their books as many pupils as can receive advantage from the labors of the present instructors. Yet it will not, we presume, be denied that a very considerable portion of the children about our streets attend no school whatever. It would, therefore, seem proper that the school committee, joined with such persons as the town council may add, be empowered to increase the means of instruction from time to time as the wants of the population may require. But it has appeared to your committee that one part of this object may be accomplished immediately, and with very little additional expense, by establishing a sufficient number of primary schools in different parts of the town. The effect of these will be to provide a grade of instruction as much needed by the public as any other, to elevate the character of the grammar schools, and to enable the teachers of these schools to devote their attention to a larger portion of those who are prepared for instruction in the more advanced branches of education."

Returning to the high school, Wayland outlined a course of instruction for a public high school, intended to serve the purposes of a finishing school rather than an academy preparing youth for college, and emphasizing adjustment to the particular needs of a community, like Providence, in which trade and commerce furnished employment for the largest numbers: "If in addition to these two grades of schools a single school for the whole town should be established, of a more elevated character, to enter which it shall be necessary to have been proficient in all the studies of the grammar school, and in which should be taught a more perfect and scientific knowledge of geography, bookkeeping, arithmetic, algebra, geometry, navigation, moral and natural philosophy, natural history, the elements of political economy, and the Con-

stitution of the United States, and the Latin and Greek languages, we think that our system of education would be such as to do honor to the public spirit of this commercial and manufacturing metropolis, but not at all beyond what is demanded by the advanced intelligence of the age. Whether a high school, of somewhat the same character, for girls might not also be desirable and expedient would be a matter for future consideration."

The report concluded with a recommendation for non-professional supervision, thus:

In closing this report your committee feel obliged to assure their fellow citizens that it is utterly in vain to hope for a valuable course of public instruction without a thorough and active system of supervision on the part of the community. Unless the schools be visited frequently and examined thoroughly, and unless the school committee determine to give to this subject all the attention and reflection and labor necessary to carry the system of education to as great a degree of perfection as the case admits, everything will be fruitless. Without this every plan of education will fail, and with it almost any may be made to succeed. If a sufficient number of gentlemen can be found, who will devote to the interests of the rising generation a half-day every month, and who will so combine their labor as to produce the effect of a particular and general supervision, all that the most benevolent could wish can be accomplished. If such men cannot be found, nothing of value will ever be done.

The state school act of 1828 created for Providence, as for other towns, a school committee independent of the town council; the new school committee included Asa Messer, who had been President of Brown and who was elected as chairman. The General Assembly, on request by Providence, exempted the town from the provision in the general law that limited town appropriations to twice the amount apportioned from the general treasury. A reorganization of schools was effected, with provision for five "writing" schools taught by men, and six "reading" schools taught by women. The "reading" schools admitted children four years of age and older; on reaching seven years and attaining ability to read fluently a child was eligible for promotion to the "writing" school. In the latter the branches taught were reading and spelling, the use of capital letters and punctuation, writing, arithmetic, elementary book-keeping, English grammar and letter writing, which was dignified by the title "epistolary composition." The plan for the high school was not carried into effect. Consequent upon the improvement, the schools of Providence showed an immediate gain of twenty-five per cent. in enrollment. With the chartering of Providence as a city in 1832 the election of the school committee for a time passed from the freemen to the city council. The fuel tax on pupils was abolished in 1833 on the motion of Thomas W. Dorr, who was a member of the committee. The position taken by the school committee was that the payment of the tax could be enforced only by exclusion from school, and that that course seemed inconsistent with "the spirit of the law or the great object of it," which was to promote public education rather than restrict it. Thus the schools of Providence became absolutely free public schools. Through the movement of 1828, Providence achieved an improvement in its public schools paralleling the general advance made for the state as a whole.

**STATE REPORTS**—The beginning of a system of state-town reports of school conditions was forecasted in a resolution adopted by the General Assembly in 1836, directing town clerks to report the number, age, sex and pecuniary condition of deaf and dumb persons and the extent of their education, and also the number of children who attend town public schools and the amount of school money received from the state. To the inquiry concerning attendance nineteen towns responded, reporting a total attendance of 12,350 children at town public schools. By act of 1838 school committees were required to report annually before the first Wednesday in May the amount of school money received from the state; the amount of school money raised by the town; the number of school districts in the town and the number of schools kept in each district, the amount of money spent in each school district; the amount of money spent in each school district for fuel, furniture, incidental expenses and instruction;

the number of children, male and female, attending school and the average attendance; the time and season of keeping schools; the number, names and salaries of teachers; the branches taught and textbooks used in schools. The Secretary of State was ordered to furnish blanks for the reports required, and towns failing to report forfeited the right to participate in the distribution of state school money. Under this act and the general school law of 1839, in which it was codified, statistics were collected from every town in the state from 1839 to 1845, when the Barnard school law made other provision for town school reports. While the report for 1836 was so incomplete as scarcely to warrant comparisons, the reports for 1839, of 13,748 children in public schools, did not indicate the improvement over the figures in Angell's report, even if the latter is taken as "corrected," that might reasonably be expected. The figures for 1840, 17,752, and for 1841, 20,253, were more consistent.

Wayland's report on the public schools of Providence as of 1828 showed substantial reasons for discontent with the schools, pointing out clearly that the free schools of Providence in 1828 were insufficient to accommodate all children of school age; that the instruction was inefficient because of the large number of pupils assigned to each teacher; that the schools could be of advantage to only a small portion of the community, because they must inevitably, under all circumstances, teach only a narrow content well, or an extended content poorly. Even with the improvements inaugurated in 1828 following Wayland's report the Providence Association of Mechanics and Manufacturers found reason to complain in 1837, in a petition to the city council requesting better schools: "Your memorialists have been struck by one fact, to which they would respectfully solicit particular attention. It has been argued by some (and perhaps the argument has attracted the consideration of your honorable body) that the instruction of youth in the public schools is a heavy tax upon the middling classes, without an adequate return, as they do not participate in the benefit of this public instruction. This argument, which is evidently weighty in the present condition of these schools, would be destroyed if they were raised to the condition desired by your memorialists. Why is it that the middling classes do not become participants in this instruction? There is evidently but one reason. They perceive that the crowded state of the schools alone would prevent proper attention to the pupil; and they are aware that with the small sum which the instructors receive it is difficult to procure and retain the services of competent persons to fill the station. But let the schools be made so numerous that the scholars may receive as much attention as they do in the private schools, and let the salaries be so large as to induce men of equal ability to take charge of them, and that which is now considered a tax, would then be viewed as an alleviation of one of the heaviest burdens put upon the middling classes."

The essential errors in the school system in Providence in 1837, as disclosed by the petition, were (1) insufficient accommodations; (2) too few teachers for the number of pupils; (3) inadequate salaries, and (4) poor teaching. If such complaints against the schools of Providence, taught as they were by persons following education as a regular profession on steady tenure, could be justified, what complaints might with greater justification be made of rural schools taught by persons who could be found to accept casual employment for tenure extending only a few months? Another factor contributing to unsatisfactory enrollment records was the competition with the schools of the rising textile industry, offering employment at wages in competition with attendance on public instruction. Losses in ocean commerce had impressed Rhode Islanders with the hazards of foreign trade; merchants turned to safer investments in factories and machinery. Compact villages grew up close to the new factories, and boys and girls of the factory villages worked in the mills instead of attending school. Not all the manufacturers of Rhode Island were indifferent to the dangers attending the neglect to educate the children of the rising generation; some erected schoolhouses near their factories. Yet hundreds certainly, perhaps thousands, of boys and girls worked in factories all the year around. An attempt to remedy this condition was made in 1840, when a

state law was passed, declaring that no child under twelve years of age should be employed in any manufacturing establishment unless the child attended, for three of the twelve months next preceding such employment, some public or private day school where instruction was given in spelling, reading, writing and arithmetic. *This was the first child labor and compulsory attendance law passed by an American legislature*, preceding by more than ten years the earliest enactment elsewhere. It was left out of the revision of the statutes in 1844 with all other school laws, in anticipation of the enactment of a new school law to be drawn by Henry Barnard, and it was not codified in the revised school act which the General Assembly passed in 1845.

The years between 1828 and 1839 were critical years in the history of Rhode Island public schools. The school act of 1828 produced improvement immediately, but the appropriation of \$10,000 annually, while significant for the inauguration of new schools, was too meagre to assure continued progress. Consequently the schools maintained under the act of 1828, even when towns supplemented the state appropriation, were not of such a character as to attract that increasing attendance which is the surest index of public appreciation and satisfaction. At the same time there was a growth of manufacturing which operated as an external factor in decreasing school attendance. That the schools themselves were at fault seems to be proved by the advance of nearly fifty per cent. in enrollment of pupils which followed immediately an increase of state appropriations under the new statutes of 1836 and 1839. More money then meant more schools, more scholars and better schools, as it has since. The compulsory attendance law also operated to effect improvement between 1840 and 1844.

**MORE MONEY; BETTER SCHOOLS**—The source of the increase in the state appropriation for public schools under the act of 1836 was federal. The tariff law of 1833, a compromise, produced a revenue far in excess of current expenditures by the federal government. The national debt was liquidated. In his warfare against the Bank of the United States, President Andrew Jackson not only vetoed a bill granting the bank an extension of its charter, but withdrew from the bank and its branches deposits of federal money. The federal treasury had a surplus, which must be restored to circulation lest business suffer. Congress, in 1836, voted to deposit the treasury surplus in excess of \$5,000,000 in the treasuries of the several states as loans, to be returned to the federal treasury upon demand. Rhode Island received \$382,335.30. The "Providence Morning Courier," in an editorial on October 25, 1836, suggested that the income that might be earned by judicious investment of the deposit money be applied to the support of public schools. The editor estimated Rhode Island's share as \$272,000, and the income as "at least \$16,000 annually, which added to the school fund, would in a few years produce an income sufficient to maintain free schools in every town in the state during the whole year." He advocated the appointment of a commission to invest the fund, "who should be judicious business men," and continued: "These hints are thrown out in the hope that they may meet the eye of some of the members of the Assembly, that the subject may be thought of preparatory to its consideration next week. We do not mean to be understood as speaking in the language of dictation, but only to call to the reflection of the members a subject upon which they will be called to act." Two resolutions were presented in the General Assembly: One, by Thomas Wilson Dorr, proposed that the income of the deposit fund should be applied exclusively to the support of public schools; another, by George Curtis, directed that the money be deposited in the incorporated banks of Rhode Island at not less than five per cent. interest. An amendment, offered as a substitute for the Curtis and Dorr resolutions, that the money be divided amongst the several towns, was defeated, and the original resolutions were adopted. It will be noted that the Dorr resolution differed from the "Morning Courier" suggestion in that it provided for distributing the income to the towns immediately for the support of public schools, whereas the newspaper advocated use of the income to increase the permanent fund, and a deferred application. The deposit fund earned \$1,358.35

up to April 30, 1837; \$17,676.24 in 1837-1838; \$18,991.14 in 1838-1839, all of which, with the \$10,000 provided by the act of 1828, was apportioned to the towns.

The revised school law of 1839 fixed the annual school appropriation at \$25,000. Although this amount was less than the \$27,676.24 and the \$28,991.14 made available for schools in the two years preceding, the legislation of 1839 was fortunate, because the deposit fund yielded a decreasing revenue after 1839. The business depression following the financial disturbance of 1837 made deposits at five per cent. not profitable for banks, and the banks turned the state money back into the treasury, where it earned no interest. To provide for reinvestment, loans to towns to be used exclusively for educational purposes or investment in the capital stock of banks were authorized in 1839. Loans to towns for any municipal purpose were authorized in 1841, on bonds yielding five per cent. interest; later return was made to the policy of 1839. The state inaugurated a somewhat different policy in 1840, although it still recognized its obligation to the federal government as a merely temporary custodian of the deposit fund. In January, 1840, the General Treasurer was authorized to borrow \$35,000 from the deposit fund, to pay the state's debt to the Globe Bank, the act stipulating that the loan should be repaid by the state with interest at five per cent.; for this purpose \$29,526.49 was withdrawn. In June, 1842, the withdrawal of \$50,000 from the banks and payment into the treasury for use of the state, "to be refunded as soon as may be, with interest at five per cent.," was ordered. In October of the same year a further withdrawal of \$32,000 was authorized, but only \$28,192.72 was actually taken, the balance of the \$32,000 being made up by \$3807.28 received from the federal government as the state's share in the proceeds of sales of public lands. In January, 1843, two acts authorized the further withdrawal of \$25,000. The withdrawals in 1842 and 1843, amounting to \$103,192.72, or \$107,000 if the public land money be included, may be ascribed to the expenses incurred in the suppression of Thomas Wilson Dorr's movement for constitutional reform. In June, 1843, \$10,000 was drawn from the fund, to be applied to the appropriation for public schools, and it was ordered that no further investments of the surplus money be made without direction by the General Assembly. A further payment of \$468.75 as Rhode Island's share in the proceeds of sales of public lands was covered into the general treasury in June, 1844. Of \$386,611.33 received from the federal treasury as deposit money or public land money, Rhode Island had "borrowed," by conversion for state purposes, \$142,719.21. A resolution announcing discovery in 1858 that the public land money had been paid directly into the treasury instead of into the account of the deposit fund, ordered \$4276.03 added to the latter. Other "borrowings" from the deposit fund were: May, 1845, \$10,000; January, 1849, \$41,526.67, to pay a debt due the Bank of North America, and expenses and orders of the General Assembly; 1858, \$32,500. The state's "indebtedness" to the fund in 1859, including money returned to the treasury and not reinvested, and also the public land money, was \$231,070.06. The balance, \$155,541.27, was, in 1859, ordered credited to the permanent school fund, until such time as the federal government shall recall it. As a matter of fact, all that was credited was the stocks and bonds held. Money returned by banks and not reinvested, and the money balance in the treasury not part of authorized loans, was retained in the general treasury. Perhaps the act of January, 1860, by which the general treasury balance, \$11,191.80, was ordered transferred to the permanent school fund, was the result of an effort to rectify previous dereliction. The income of the deposit fund, after the school law of 1839 had fixed the annual school appropriation at \$25,000, was \$17,084.27 in 1839-1840; \$19,295.99 in 1840-1841; \$16,306.95 in 1841-1842; \$12,213.52 in 1842-1843, and thereafter a decreasing amount annually as money was diverted from the fund for state purposes.

The school act of 1839 arrested decrease of state appropriation for public schools, by establishing a fixed sum, \$25,000. The statistical evidence of improvement in public schools because of additional money appeared in increased enrollment of pupils, and steady gains in the

amount expended for teachers' salaries, which rose from \$32,383 in 1839 to \$48,444 in 1845. In the same period the number of teachers employed increased from 427 to 495. The gain in Providence was almost as significant as that which followed the survey in 1828. The Association of Mechanics and Manufacturers, anticipating the additional support for schools to be made available by the General Assembly, requested improvement, thus: "Your memorialists are convinced that the present is the time to commence this work of reform. The amount that will be received from the government and devoted to education will considerably alleviate the expense at the outset, and the inhabitants of the city are now so well convinced of the necessity of effort that any appropriation for this object would no doubt meet with their approbation." The association suggested the establishment of a grade of schools between the primary and writing schools "for reading, writing, and arithmetic only, the design of which is to give a thorough instruction in these branches to those children whose parents need their services at as early an age as twelve or thirteen years, and who under the present arrangement are compelled to leave school with a very superficial knowledge of these branches, which are so necessary for obtaining a livelihood in any business." "Intermediate" schools of the kind described in the petition were subsequently established in the city, but the immediate action of the city council was even more liberal than had been prayed for. The city council, on April 8, 1838, adopted an ordinance providing for a high school, six grammar schools and writing schools, and ten primary schools; and, most important from the viewpoint of administration and efficiency, the appointment of a superintendent of schools—the first officer of the kind in America.

FIRST AMERICAN SUPERINTENDENT OF SCHOOLS—Nathan Bishop was appointed Superintendent of Schools, July 23, 1839, and entered upon his duties, August 1, 1839. The appointment of the superintendent originated with Thomas Wilson Dorr, who argued that if a superintendent or overseer had a function in industry as a coördinator of departments and responsible director of activities, there was in education a place for a similar officer to supervise the work of teachers and pupils in the scattered buildings of a public school system. A committee of the city council was instructed to visit the schoolhouses of the city and examine them; the committee reported that "all were unfit for use in their present condition, and were all either too small, too dilapidated, or too badly constructed to be worth repairing." These were the buildings constructed or acquired in 1800. The brick schoolhouse on Meeting Street was not abandoned, but the city inaugurated a program for building new schoolhouses that continued for six years. A high school building, which cost \$21,572.87, was constructed; it is the substantial brick building on Benefit Street which subsequently to use as a high school, housed the Rhode Island Normal School for a generation, and is in 1930 occupied by the Rhode Island Supreme Court. Six grammar schools were built at an average cost of \$10,463.22 each, and six primary schools at an average cost of \$1,865.60 each. That the era of large schools had not passed in Providence, however, is shown by the floor plans of these buildings, schoolrooms in which provided seats for 120 primary or intermediate pupils, and 225 grammar pupils. Two recitation rooms were provided with each grammar room. Not until 1857 was a change to smaller rooms made, upon the urgent recommendation of Superintendent Leach.

The state school act was revised in 1839, the most significant changes being: (1) Fixing the annual appropriation from the general treasury at \$25,000; (2) application of lottery and auction taxes exclusively to increase of the permanent school fund; (3) exclusive use of state school money for payment of teachers' salaries, wherefore it was called "teachers' money," a term used still in the school statutes; (4) clearer definition of the functions of school committees; (5) corporate powers without incorporation for school districts; (6) union school districts, consisting of compact communities straddling town boundary lines. The revision had little effect upon schools or enrollment; it was actually little more than a consolidation of

statutes, and the incorporation of established practice in statutory enactment. As a matter of fact, the advance movement started by the act of 1836 had spent itself within five years. There was practically no gain in enrollment from 1841 to 1845. The increase in enrollment in Providence was offset by losses elsewhere; while Providence was advancing the remainder of the state was marking time. Moreover, the body politic was much concerned with the constitutional struggle known in history as the Dorr War, which is associated with the name of Thomas Wilson Dorr more often than the substantial advances in public education which he initiated or promoted—including repeal of the fuel tax in the public schools of Providence with the purpose of removing an obstacle to enrollment and attendance, appropriation of the income of the United States deposit or loan fund for the support of public schools, and the appointment of the first superintendent of public schools. While a member of the General Assembly, Dorr was chairman of the first committee on education of which there is mention; he was a member of the school committee in Providence from 1838 to 1842, and chairman of the committee from 1841. He was an influential and active member, and helped to carry through reforms in the public schools of Providence which in 1845 elicited this praise from Henry Barnard, one of the keenest educational observers of the nineteenth century: "The city of Providence has already gained to itself an extended reputation and made itself a bright example to many other cities."

Dorr's program for political reform in Rhode Island included inauguration of a system of free schools to supersede the public schools of the period; he planned abolishing tuition in schools throughout the state. A definition of Dorr's position appeared in the People's constitution, 1841, which was drafted by the Dorr constitutional convention, thus: "The diffusion of knowledge, and the cultivation of a sound morality in the fear of God being of the first importance in a republican state, and indispensable to the maintenance of its liberty, it shall be an imperative duty of the legislature to promote the establishment of free schools and to assist in the support of public education." The constitution adopted by the Landholders' convention of the same period used the following language: "The diffusion of knowledge, as well as of virtue, among the people being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools and to adopt all other means to secure to the people the advantages and opportunities of education which they may deem necessary and proper." The essential differences in the declarations lie in the meaningful use of the words "free schools" as contrasted with "public schools"; and the contrast between an "imperative duty of the legislature to promote the establishment of free schools," and "the duty . . . to promote public schools, and to adopt all other means . . . which they may deem necessary and proper." In the latter instances the contrast is the same as that between a mandatory function and a permissive function with unrestricted authority. Other contrast between the two constitutions appears in the protection of all school funds devoted to education in the Dorr constitution, and of only the permanent fund by the Landholders' constitution. Neither constitution became effective; the new state Constitution of 1842 contained a declaration resembling more nearly that in the Landholders' than that in the Dorr constitution, as follows: "The diffusion of knowledge, as well as of virtue, among the people being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools and to adopt all other means which they may deem necessary and proper to secure to the people the advantages and opportunities of education." The granting of lotteries was forbidden by the Constitution of 1842, thus abolishing the most productive source of school revenue under the act of 1828. The Constitution prescribed a voluntary registry tax of one dollar per annum to be paid by citizens, other than qualified taxpayers, who wished to vote. The registry tax was the forerunner of the present poll tax, and like the poll tax, was appropriated by the Constitution to the support of public

schools. In 1844 the General Assembly perfected the registry tax provision of the Constitution by an act which directed town treasurers to transfer to the town school account annually the proceeds of the registry tax. The Constitution, therefore, abolished one source of school revenue and substituted another for it. Of no less importance, it made the General Assembly a state school committee, whose duty it was to "promote public schools and to adopt all means that they may deem necessary and proper to secure to the people the advantages and opportunities of education."

**THE PERMANENT FUND**—The permanent school fund established under the act of 1828 with an appropriation to it of \$5000 from the general treasury was to be increased annually by the excess over \$10,000 of income derived from lotteries and auctions, plus the income earned by the fund itself unless the income should be required to guaranty an annual apportionment of \$10,000 to the towns. From the first appropriation of \$5000 the General Treasurer purchased ninety-one shares of bank stock, and from subsequent increments 190 shares of bank stock, 281 altogether, at a total cost of \$15,367.53. The first report on the condition of the permanent fund made by the General Treasurer was exacted by refusal of the General Assembly to receive a statement that did not include a summary of receipts and expenditures. The report as printed in the schedules without auditing was erroneous in many details, thirteen of thirty-two items being incorrect. The General Treasurer reported receipts of revenues for public school purposes amounting to \$45,367.53, expenditure of \$15,367.53 for bank stock, and payments to towns of \$30,000 in three annual apportionments of \$10,000 each, the fund showing a deficit of \$1008.71. If the Treasurer's accounts had been properly kept and his report had been accurate, the fund, instead of showing a deficit, should show a balance of \$4627.23. The same Treasurer continued in office until 1832, making other errors, some of which favored the fund, resulting, however, in the diversion of \$3930.75 from the permanent fund into the general account. Thus the permanent school fund, from the beginning, was involved in vicissitudes that were prophetic of a precarious future.

The second General Treasurer dealing with the fund discovered the errors in the accounts of his predecessor, and corrected them by proper entries, carrying the fund on his books as an account conforming to the provisions of the statute. The account was a book account, pure and simple; there was not in the general treasury actual money corresponding to the statement. To this fact the General Treasurer called attention in his report in May, 1833. The committee of the General Assembly to which the report was referred certified the Treasurer's accounts for accuracy and added: "The committee deem it to be within the range of the duties assigned to them to report to the General Assembly that to meet the ordinary expenses of the state, the General Treasurer has been obliged to use a large amount belonging to the school fund. The committee find that no investment of money belonging to the school fund has been made since 1832; and that on the 30th day of April, 1834, there appears to have been diverted from its appropriate object the sum of \$12,894.30 of the school fund, which has been from time to time, during a period of several years, expended in meeting the ordinary demands upon the treasury. The committee wish it to be distinctly understood that in this matter they attach no blame to anyone. The remedy for the evil suggested is in the hands of the legislature, and the application of that remedy ought, in the opinion of your committee, to be promptly made." The problem was thus placed squarely before the General Assembly. One of two remedies was available if the General Assembly would change the practice forced upon the Treasurer. It might either order repayment of the balances due the school fund, recouping the general treasury by levying or increased taxes or by negotiating a loan; or it might amend the statute governing the accumulation of the permanent school fund. The General Assembly chose neither remedy; it did nothing.

The treasurer continued the practice to which he was constrained, of paying demands upon the treasury from the money in his possession, buying stock as investment for the per-

manent fund as opportunity was afforded. The uninvested balance of the permanent fund was \$10,636.90 in May, 1837, and the treasury balance was then \$13,185.24 (including the \$10,636.90); in October, 1837, the treasury was empty, and the uninvested portion of the permanent fund had been used to liquidate a part of the state's indebtedness on other accounts. The state owed the permanent fund \$15,773.33 in 1839, a debt which it practically cancelled, unless the provision of the school act of 1839 transforming all receipts from auctions and lotteries to the fund, instead of the receipts diminished by \$10,000 annually, may be construed as purposing gradual repayment of the debt first, and then further accumulation. A new General Treasurer, elected in 1840, in two reports to the Assembly charged off the balance due the permanent school fund the amounts received from auctions and lotteries, without a transfer of money, and no doubt, in this way, might have accomplished the cancellation of the debt, given time, had the General Assembly's order as to the form of reports to be presented by the Treasurer not yielded to his interpretation a device whereby he ignored the statutory direction to accumulate the fund and made no report upon the permanent fund save as to the stocks held as investments. For eleven years he neglected to credit to the fund the income dedicated to it by the statutes; the total diversion during this administration amounted to \$53,856.61, and by 1845 the state owed the fund \$67,472.15. The Treasurer appears to have been an honest man, but not an excellent bookkeeper. Closing his final account in May, 1851, he wrote: "The balance in the treasury on the twenty-third ultimo, as above stated, appears to be but \$2611.92, when in fact there was in the treasury \$8067.31, which last-mentioned sum I am ready to pay to my successor. My health for some months past has been so poor that I have not been able to make that thorough search to discover the error that I otherwise would have done. It is confidently believed that the error will be detected when my account shall be audited, and that it will be found to have originated in inadvertent omission to enter credits to the amount of the error." The actual treasury balance exceeded the book balance by \$5455.39! The auditing committee reported: "The committee deem it to be nothing more than an act of simple justice to say that notwithstanding the very advanced age of . . . . , the late General Treasurer, and the severe indisposition he labored under for nearly the whole of the past year, the duties of the office have been well discharged, and with the same stern and unwavering fidelity that characterized all his official conduct during the ten consecutive years he held the office." After recommending the appointment of a state auditor, the committee continued: "We have now presented a striking and impressive instance directly in point. If . . . . , the late General Treasurer, had not been a man of tried and acknowledged integrity, he might have appropriated to his own use the large amount of money found in the treasury over and above the cash balance his accounts exhibited, without the fact, in all probability, ever coming to the knowledge of at least this General Assembly." The Treasurer's successor in office received \$8067.31 from the outgoing Treasurer, and the legislative record in the Schedules was closed apparently with the auditing committee's commendation of the Treasurer. The integrity and honesty of the latter never were questioned seriously. There were, however, irregularities in his accounts, and he had not dealt with the school fund in a manner to warrant approval.

AN INVESTIGATION—Meanwhile the condition of the Treasurer's books had not failed to occasion discussion in the General Assembly. At the October session, 1851, "The House of Representatives having learned information that a committee appointed by the Honorable Senate at the last June session to make certain examinations in relation to the General Treasurer's office, has reported, among other things, that there has been misapplication of the funds of the state to a very large amount, and the House not being aware of any misapplication of the public money, therefore, resolved, that the Honorable Senate be respectfully requested to send said report to the House, in order that the same may be read for the information of the members previous to the printing of the same." There is in the Schedules no further mention

of the report referred to. In the "Manufacturers' and Farmers' Journal" for November 1, 1851, it was stated that the report was received from the Senate and read in the House. It was then moved that the House have the report printed, and the motion was debated. Friends of the late General Treasurer opposed the motion on the ground that his integrity was attacked by insinuation. The Senate was criticised for undertaking an investigation of the treasury without concurrence by the House. The House was Whig and the Senate was Democrat; the action of the Senate was interpreted as an attempt to reopen the controversies attending the Dorr War. At the close of the debate in the House the motion was withdrawn, and the report was returned to the Senate on the same day, October 31, 1851, the last day of the October session. In the Senate Journal, under date of October 31, 1851, this entry appears: "Report in part of committee on finance received and consideration thereof continued to January session, 1852. Subsequently said vote became rescinded and it was voted to have 500 copies printed and distributed among the members." No copy of the Senate committee's report has been found. The "Manufacturers' and Farmers' Journal" of later date commented upon and severely condemned the report, which "we have seen," as a political expedient of Democrats. From the "Journal" article it appears that the report dealt principally with the late General Treasurer's administration of the school money and charged him with misappropriating \$82,487.96, which should have been credited to the permanent school fund. The "Journal" placed responsibility for this irregularity, *which it did not admit was an irregularity*, upon the General Assembly, which it then excused from blame because by using money in the treasury the necessity for levying additional taxes had been avoided. In its zealous defence of the Whigs the newspaper declared that subsequent action of the General Assembly had, in fact, although without direct and explicit resolution, repealed and nullified the provisions of the school law directing accumulation of the school fund; that is, that when appropriation exceeded the general treasury balance, law sanctioned payment of appropriations from any money in the treasury.

Modern theories of public finance make appropriations charges only upon money not otherwise appropriated. A later committee report, printed as a separate Senate document, and not in the Schedules, discussed public financial problems of the period, following the making of a "detailed statement of expenditures, ordinary and extraordinary, of the state from October 1, 1841, to June, 1851." "The Honorable Senate," the report declared, "does not require to be informed . . . that the reports and accounts of the General Treasurer annually undergo the scrutiny of a . . . committee on audit, and having once passed such an ordeal, might safely be deemed correct and incapable of containing any error, especially one of such magnitude as \$5000 or \$6000. And yet, the committee, in the preparation of said tabular statement did detect a number of errors that had obviously, up to that time, escaped observation or remark. But the greatest embarrassment has been experienced from a want of uniformity in the classification, form and order in which the accounts and reports have been annually and semi-annually made up and submitted to the General Assembly; it is believed that no two of them are in those respects alike. . . . Another and very serious difficulty with which the committee, in the investigation of some portion of the extraordinary expenses of the state, have been met, is the absence from the office of the Treasurer, and the Secretary of State of most of the vouchers, or documents used as such, in proof of the great bulk of said expenses, termed by the political party then in power 'insurrectionary' expenses, and which occurred in the years 1842 and 1843. . . . About \$56,000 were drawn on orders of Governor King alone and supported by no sort of vouchers. A board of commissioners 'to receive, examine and audit all the claims against the state that have occurred by reason of the recent insurrection, other than for military service,' drew orders in favor of claimants individually without specifying services. "All that the public, after the lapse of about ten years, is permitted to know . . . is that the state is indebted to the public deposit fund for these extra-

ordinary expenditures . . . the extraordinary sum (for Rhode Island) of over \$194,000, and during the same period of time, has, in addition thereto, misapplied about \$80,000 rightfully belonging to the permanent school fund of the state." The committee reported that errors had been detected in the accounts and reports of the General Treasurer, but that it had been unable to "discover the precise cause of there being in the treasury such a large sum as over \$5000 of which the Treasurer should be entirely ignorant and not know the time when or the source whence the same had been received."

As noted above the committee exonerated the Treasurer of charges of dishonesty. The treasury receipts of money related to the permanent fund between 1841 and 1851 were: lotteries, \$33,750; auctions, \$8878.15; dividends on stock, \$35,797.50; interest on balances, \$1960.11; total, \$80,385.76. The committee report of \$82,487.96 neglected the difference between the par value and the actual expenditure for bank stock held as an investment. With reference to the law the Treasurer had been less at fault than the committee reported. The act of 1839 may be interpreted as cancelling the state's accumulated debt of \$15,773.33 to the permanent fund, and opening a fresh account with bank stock of the par value of \$51,300 held as an investment, and a statutory obligation binding the Treasurer to transfer to the fund the state's income from certain sources. The state owed the fund \$67,472.15 in 1845, of which \$53,856.61 was occasioned by the Treasurer's failure to administer the treasury in the manner stipulated by law.

The Barnard school law of 1845 appropriated \$25,000 annually from the income "of the school fund and of the money deposited with the state by the United States," and repealed the act of 1839. After October, 1845, and until an act in 1857 reserved auction fees for the fund, there was no provision in the statutes for increasing the permanent fund, and the Treasurer's practice was legal. Curiously, the new Treasurer elected in 1851, more familiar with the report of the committee that had investigated the accounts of his predecessor than with the statutes, began in 1851 to transfer to the fund intestest on deposits of the revenue, dividends on permanent fund bank stock, receipts from auctioneers, etc., although there was no statute setting apart any revenue of the state for the purpose except, under the act of 1848, forfeitures of school money incurred by towns. Through this benevolent misadministration \$35,085.06 was added to the fund, reducing the state's outstanding indebtedness to \$32,387.09 in 1859, when \$155,541.27, the balance of the United States deposit fund, was transferred on the books of the Treasurer to the permanent school fund, which was reported in May, 1859, as consisting of 3784 shares of bank stock, two city bonds and money awaiting investment, the whole aggregating \$245,091.67.

Although the statute specified investment of the fund in bank stocks, and the Constitution forbade the General Assembly to "divert said money or fund from the aforesaid uses," or to "borrow, appropriate or use the same, or any part thereof, for any other purpose, under any pretence whatsoever," the General Treasurer in 1867 invested \$3940 of school fund money in a state bond. When the bond was cancelled the proceeds were *not* credited to the permanent school fund. Other errors in the account as printed in the annual reports of the treasury include a change in the reputed value of stocks from \$250,376.37 to \$240,376.37, a loss of \$10,000, without explanation in 1876; a change in the reported value of 1166 shares of the stock of a certain bank from \$59,289.57 to \$50,289.57 in 1873, without explanation and without change in the total value of stocks reported; a reduction of \$1000 in the list value of 332 shares of bank stock, without explanation, and without change in reported total values. These changes were probably typographical errors, and not significant except as they illustrate the utter neglect of the permanent school fund, the income of which was at the time transferred on the Treasurer's books as received, to offset a part of the annual appropriation made by the General Assembly for the support of public schools. With advancing years the income of the fund tended to become so insignificant a part of the appropriation that it was both negligible

and neglected. Furthermore, the permanent fund, like many other invested endowments, was subject to the criticism that it resembled mortmain, or the dead hand that tied up property for uses conceived of as valuable in bygone times, but scarcely consistent with more recent conditions.

The State Auditor in his report to the General Assembly in May, 1874, recommended amendment of state policy, and was prophetic of experience to follow, thus:

It is a question, or subject matter, deserving the attention of your honorable body, whether the best interests of the state, pecuniarily considered, would be enhanced by repealing all laws having reference to any further reservation of the sum annually received from auctioneers to be added to this fund. The sum now appropriated annually is nearly five times as large as the accumulated dividends on this fund, and no good reason seems to now exist for a continuance of this practice or policy. With our present state debt, good financial policy would seem to dictate that it would be prudent and economical to dispose of assets and investments of this nature, reducing our indebtedness, and at the same time relieving our people of a seeming liability of being sufferers in a monetary crisis that may disturb our financial peace at some future date.

**THE SPRAGUE FAILURE**—The storm broke sooner, perhaps, than the Treasurer anticipated. The nation-wide financial panic of 1873 precipitated failure of the A. & W. Sprague Company of Rhode Island, an outstanding textile corporation, whose creditors included the Globe Bank, of the capital stock of which Rhode Island held 2000 shares as investments for the permanent school fund. The Globe Bank, under direction of the Comptroller of the Treasury, reduced its capital stock fifty per cent. by reissuing one share for two; the General Treasurer reported thereafter 1000, instead of 2000, shares of Globe stock, without, however, reducing the value, still carried at the amount of the purchase price, neglecting either par value or market value as a more accurate index of the actual condition. In 1881 the Globe Bank assessed its stockholders \$15 per share to offset the shrinkage of assets pursuant to the Comptroller's ruling that "Sprague paper" was worthless; the state paid an assessment of \$15,000 on 1000 shares from money accumulated for the school fund that had not been invested. The assessment was *added* to the "value" of the Globe stock in the report of the Treasurer, which listed 1000 shares of stock as costing \$15,000 more than the 2000 shares listed in 1876. The last purchase of bank stocks for the fund was made in 1884, 268 shares of national bank stocks for \$17,820.50. The invested fund was listed as \$273,330.36 in 1885, erroneously as \$173,330.36 in 1886, and thereafter as \$273,330.36 until 1896, when an unexplained loss of fifty cents was indicated. High water mark before 1900 was reached in 1899, when the invested fund was reported as \$293,262.36, including a town bond valued at \$19,932.50. In that year the National Bank of Commerce reduced its capital stock fifty per cent., and thereafter 406, instead of 813, shares were carried on the published list without change in the "value." The fictitious nature of the report becomes clearer when it is considered that 1407 shares of bank stock had been withdrawn without decreasing the Treasurer's report of the value of the investment, and that the value reported had been increased by \$15,000 paid as an assessment to replace an actual loss in value.

So early as 1876 the General Assembly authorized the commissioners of sinking funds to sell stock held for the fund, and to reinvest the proceeds of sales. Had the policy indicated been followed, the fund might have been administered in accord with sound principles of finance, which counsel careful examination of securities and a program for reinvestment. Governor Littlefield in two messages to the General Assembly, 1881, 1882, recalling the history of the Globe Bank, urged the General Assembly to authorize investments in other than bank stocks. With reference to national banks he pointed out that the state had no official representation on the boards of directors, and questioned holdings in such banks as a judicious investment. The General Assembly in 1882 authorized investment "in the capital stock of some safe and responsible bank or banks, or in the bonds of any town or city within this state." Governor Dyer, in his inaugural message, 1899, announced: "In view of the fluctua-

tions in value of bank stocks, in which the larger portion of this fund is invested, both the Treasurer and myself have determined to dispose of these stocks at the earliest possible moment, and hold the proceeds for investment in such bonds as the law permits." The sale of 3364 shares of bank stock at auction brought in \$191,364, involving a loss of \$39,030.62 from the values listed in the Treasurer's report erroneously, and of \$50,487.32 from the original expenditure. The heaviest loss was on shares of the Globe Bank, for reasons already explained; otherwise losses on certain stocks were almost recouped by gains on others. Par value for cost was substituted in the Treasurer's report in 1907; the only bank stock held at the time was 406 shares of National Bank of Commerce, and the change recognized the reduction of capital stock held by the state from 813 to 406 shares in 1899.<sup>†</sup> The losses on investments totalled more than \$90,000, and were sufficient to offset the increase of the fund from auction fees for more than fifty years after 1860.

A detailed study of the permanent school fund printed in 1918,\* with recommendation that the fund might be vitalized by legislation directing investment for school purposes, and expenditure of the income for a definite project instead of as an offset to appropriations for general purposes, was brought to the attention of a commission that investigated school administration and finance in 1921-1922. The commission report suggested changes in the law, particularly with reference to expenditure of the income. The law permits new investment or reinvestment only in bonds issued by Rhode Island towns or cities, or bonds of the United States. The holdings of 406 shares of bank stock, and a small amount erroneously invested in Rhode Island state bonds, were to be replaced when opportunity afforded. The income in 1922 was placed at the disposition of the State Board of Education and the Commissioner of Education as an emergency fund, the amount unexpended in any year to be added to the capital fund. Later legislation permitted use of the income to pay the expenses of surveys, and the department of research and surveys, including among its functions the examination and auditing of financial and other statistical accounts and records of school officers and school committees, and town officers dealing with school money, established by the State Board of Education in 1929, is supported from the income of the permanent fund. The fund amounted to \$343,261.45, as reported by the General Treasurer at the opening of the fiscal year July 1, 1930. The fund has been vitalized, and interest in it has been renewed, because the recent uses have reestablished a relation to the public schools of Rhode Island that for practical purposes ended otherwise in 1845.

**BROWN UNIVERSITY**—The chartering of Rhode Island College, in 1764, was essentially a public enterprise, and the early history of the college was so closely related to the colony that it belongs properly in a chapter dealing with public education. The movement to establish the college originated with Baptists, who planned an institution to be controlled by that denomination. The first draft of the charter, written by Rev. Ezra Stiles, almost defeated that purpose as it, while conceding control of the board of trustees to Baptists by majority representation, reversed control in the board of fellows, eight of twelve of whom were to be Congregationalists or Presbyterians. The board of fellows, as the directing house of the bicameral corporation, was vital to control thereof. The error or "treachery" in the drafting was disclosed or penetrated by Daniel Jenckes, a member of the General Assembly, who requested an opportunity for examination of the "charter." The "charter," delivered to him, was mysteriously "lost." A revised draft for the charter was approved by the General Assembly, which incorporated the college in 1764. The charter provided for a board of fellows of twelve, eight of whom should be Baptists, and a board of trustees, consisting of twenty-two Baptists, five Friends, five Episcopalians and four Congregationalists. The President was to

<sup>†</sup>In 1930 the surplus and undivided profits of this bank were reduced nearly \$250,000 by embezzlement: the bank claimed unimpaired capital.

\*In Carroll's "Public Education in Rhode Island."

be a Baptist. This apportionment of representation in the corporation to several denominations, while still assuring Baptist control, marked the charter of Rhode Island College as the most liberal of colonial college charters and as an exemplification of Rhode Island democracy in action. In this provision of the charter there was no change until 1928, when the General Assembly, on request by the college, amended the charter to permit election of trustees from other religious denominations than those named in the charter, and the election of other than a Baptist as President. The charter carried also a unique and sweeping exemption of "the college estate, the estates, persons and families of the president and professors, for the time being, lying and being within this colony, with the persons of the tutors and students during their residence at the college," from all taxes, jury service and military service except in case of invasion. The charter provided that "this charter shall be construed, reputed and adjudged in all things most favorable in the benefit, behoof and for the best benefit and behoof of the said trustees and fellows and their successors, so as most effectually to answer the valuable ends of this most useful institution." The state of Rhode Island, through its courts has given full effect to the exemption by interpreting it in such manner as to include not only land and buildings actually used as part of the college plant, but also property of the college held for any purpose whatsoever, including real estate rented for general business purposes.<sup>‡</sup> The exemption covered also the property of teachers and students without limit, until in 1863 Brown University<sup>§</sup> consented to an amendment limiting this exemption to \$10,000 each for the president and professors and their families. Students at Brown University are exempted from poll and other taxes under the charter.

Little was done for two years after 1764; in 1766 President Manning undertook the instruction of a dozen students at Warren, where he was minister of the Baptist Church. The first commencement exercises were at Warren, September 7, 1769. Early in 1767 Reverend Morgan Edwards went to Europe to solicit subscriptions for the college, and was successful in the British Isles, including Ireland. In competition for choice as the permanent location of the college, Providence was more generous in pledges than was Newport. The Brown family, in memory of a member of which the college was later to be called Brown University, was influential in promoting subscriptions, and John Brown laid the cornerstone of University Hall in May, 1770. A year later the building, of brick, four stories high, 150x46 feet, with a transept at the middle extending fifteen feet on each side, and giving it the shape of a cross, was ready for occupancy. The building as used originally housed a chapel and dining room in the transept on the lower floor; a library and apparatus room on the second floor; class-rooms, and fifty-two chambers, with accommodations for one hundred students. The colony and state granted several lotteries to assist Rhode Island College in raising money for various purposes, and in the early history of the college received the capital endowment funds of the college as a deposit in the general treasury, paying the college an income as interest.

A bill proposing a charter for a rival college at Newport failed to meet the approval of the General Assembly in 1770, though passed by the House of Deputies. The graduates of the college, including among the first James Mitchell Varnum, became active and prominent in the affairs of the colony and state. The charter named as incorporators the outstanding men of Rhode Island of the period, most of them, like Stephen Hopkins, who became Chancellor of the college, not themselves college graduates, but keenly appreciative of the value of education for the rising generation, and earnest in promoting the success of a distinctly Rhode Island college. The apportionment of the corporation to religious denominations, though liberal beyond the experience of America at the time, was the most illiberal provision of this unusual college charter, which declared that all the members of the college shall "forever

<sup>†</sup>Brown University *vs.* Granger, 19 R. I. 704. The college was held responsible for a levy under the "betterment act," however, because of improvement to its property, in the matter of College Street, 8 R. I. 474  
<sup>§</sup>Name changed in 1804.

enjoy full, free, absolute and uninterrupted liberty of conscience"; opened the college to "youth of all religious denominations" with guaranty of "equal advantages, emoluments and honors of the college or university"; and ordered that the "public teaching shall, in general, respect the sciences; and that the sectarian differences of opinion shall not make any part of the public and classical instruction."

In retrospect and summary—a movement that had as its purpose the establishment of a system of schools, managed, controlled and supported by public agencies was already underway in Rhode Island before the Revolution, following the conviction reached by some who were concerned with the welfare of the rising generation and the future of the colony that any system of private education must fail to provide for all the children of the community. Much the same group of men who had thus become interested in public education were influential in chartering and building a college in Rhode Island that was remarkable for the broad catholicity of its foundation. The movement was abated while Rhode Island bore its part courageously through the Revolution, but was revived immediately afterward. In Providence the movement was positively toward the establishment of a system of free public schools; elsewhere, although there appeared not to be so clear a perception of the ultimate purpose, there was a remarkable exemplification of democracy in action in the building up of a quasi-public school system. The Providence movement, under John Howland's leadership, resulted in the enactment of the first state-wide free public school law in America, and the establishment under it of the oldest existing free public school system in existence, both in 1800. For the state as a whole the definite, tangible results of the educational movement following the Revolution were 193 schoolhouses and 294 schools and 16 academies, practically all the work of a half-century among a people numbering less than 100,000 at the end of the period. Grasping an opportunity presented by abundant state revenues in 1828, Rhode Island acted by making provision for state support of public schools, as the means whereby quasi-public education, already well organized, might be fashioned into a system under public control. The project involved taking over most of the schoolhouses and schools already existing and placing the administration of the system under municipal school committees. The immediate effect of the legislation of 1828 was to double the number of schools and to increase the number of pupils enrolled for public instruction tenfold. The Providence system of free schools, already a quarter-century old, was surveyed and reorganized. Following a short period in which the wisdom of the act of 1828 was demonstrated by most remarkable progress, the effects of the legislation spent themselves, and the public schools advanced little, though there were scarcely any appreciable losses. A fresh revival followed an increase in money made available for school support through the United States deposit fund. Again the schools of Providence were reorganized, new schoolhouses, including a public high school, were constructed, and the first superintendent of schools was appointed. Dorr, who had been instrumental in promoting improvements, proposed a state-wide free public school system along with other measures advocated by him for the political reorganization of Rhode Island, and the constitutional movement that produced a new Constitution in 1842 made the General Assembly a state school committee. The vicissitudes attending two public school funds, the United States deposit money and the permanent school fund, fortunately had little deterrent effect upon public school progress; because the administration of both had been disassociated from the school organization; and there was too little of a common interest. This chapter carries the public school story to the adoption of the Constitution, and the opening of a new political era in Rhode Island, with a fresh movement soon to be started, and so transcendental in its conception and results as to warrant separate treatment.\*

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\*Chapter XX.



## CHAPTER XVII.

### SECOND WAR WITH ENGLAND.

**P**RINCES raise their soldiers by conscription, their sailors by impressment."† Conscription may proceed in an orderly manner, as did the selective draft during the World War; or it may degenerate into raiding communities and carrying off men of military age for service with the army. Impressment, according to the old custom of procuring sailors for the navy, was forcible kidnapping as practiced ashore; as one of the causes of the second war with England, 1812-1815, it was seizing sailors from vessels at sea, with utter disregard of national flags, on the pretext that the sailors were "deserters." Along with the asserted right to impress went the enforced right of search. One of the earliest instances of American resistance to England in pre-revolutionary history occurred at Newport in the affair of the "Maidstone," and the issue was impressment.‡ The "Maidstone," British war vessel, lay in Narragansett Bay; her officers undertook to recruit the crew to complement by raiding water-front resorts frequented by sailors, and also vessels entering the harbor. So serious was the interference with the latter that Newport commerce suffered, and the town was threatened with shortage of food and fuel, as captains, warned of the pernicious activity of the "Maidstone," avoided Narragansett Bay. Newport vessels lay idle at the docks, because sailors could not be persuaded to venture on them the risk of the press. In June, 1765, a brig returning from Africa and not warned, was boarded as it sailed into Newport harbor, and the entire crew was impressed. The people of Newport were aroused to fury at the outrage; in the evening a boat from the "Maidstone," lying at a wharf, was seized, dragged to the Common and publicly burned. Governor Ward, in the correspondence that followed, declared that "the impressing of Englishmen is, in my opinion, an arbitrary action, contrary to law, inconsistent with liberty, and to be justified only by very urgent necessity." He was arguing against the law at the time, however; a sailor impressed who refused to serve faced merciless punishment; no civil court could issue effective process to obtain his release.

THE IMPRESSMENT ISSUE—Thirty years after the "Maidstone" affair impressment was once more an issue at Newport. In the interval independence had been declared and acknowledged, and the issue was international rather than between colony and empire. The "Nautilus," British sloop-of-war, Captain Boynton, arrived at Newport, May 8, 1794, carrying French prisoners from St. Lucie, who had surrendered under an agreement that they should be landed in Rhode Island. While Captain Boynton was ashore, seeking permission to buy fresh provisions, it was reported that the "Nautilus" had thirteen Americans aboard, three of whom had been impressed in the West Indies. The General Assembly, then in session at Newport, did not wait, in a matter affecting the liberty of American citizens, for an adjustment through diplomacy; it acted immediately. Captain Boynton was summoned by the Assembly to appear before the justices of the Superior Court of Rhode Island and the justice of the District Court of the United States. The British captain at first denied the charge that he had Americans aboard the "Nautilus," and maintained his negation sturdily. As he started to leave the State House, however, and came face to face with the crowd of Newporters who had assembled, he turned back for further conference. By agreement the captain, who remained in the chamber, sent an order to the "Nautilus" to muster the crew for examination

†Everett "Orations."

‡Chapter XI.

by a committee. Six of the crew, who proved American citizenship, were discharged and paid accrued wages, and the incident was closed. Great Britain made no diplomatic representation, in spite of the plain fact that Captain Boynton had been intimidated by the people of Newport.

**SILAS TALBOT BUILDS THE "CONSTITUTION"**—The new republic was beset with difficulties; unfortunately the navy that had been maintained during the Revolution had been disbanded. European nations in their wars disregarded the rights of neutral nations, and American trade and commerce suffered from interference, including searching of vessels at sea for contraband, seizure on slight pretext, searching for deserters and impressment of sailors, besides the depredations of privateers and pirates. America was helpless without a navy, and Congress, in March, 1794, was aroused to action. Silas Talbot, amphibian hero of the Revolution, was a member of Congress at the time, as Representative from New York, and influential in the councils of the nation. Congress voted to construct six frigates, the "Constitution," "President," "United States," "Chesapeake," "Constellation," and "Congress." Silas Talbot was commissioned as one of six Captains chosen for the new navy, and resigned from Congress to become superintendent in charge of construction of the "Constitution." Shortly thereafter a treaty with Algiers purchased, ingloriously, immunity from Algerian pirates, three frigates were sold, and completion of the others was delayed until French depredations on American commerce spurred Congress to further action. Meanwhile the impressment issue remained, to become, with England's orders in council, a cause for war. International law, or the want of it, for the time being sanctioned searching merchant vessels for contraband; the finding of a "deserter" unquestionably justified retaking him. America did not deny a right to retake deserters; it did object to impressing American citizens as sailors in the British navy. In the background loomed the issue of naturalization, recognized by America, denied by Great Britain.

**THE EDUCATION OF OLIVER HAZARD PERRY**—Oliver Hazard Perry, midshipman on the "General Greene," United States warship, Captain Christopher Raymond Perry, as a mere lad sailing with his father, had seen the "right of search" in practice. The "General Greene" was escorting an American brig. Near Gibraltar a British man-of-war sighted the convoy and made sail to intercept it. Captain Perry cleared ship for action, but kept his gun ports covered, and signalled to the brig to disregard the English vessel. Meanwhile he ordered the American flag displayed on both vessels, and paid no attention to a shot fired by the British ship across the bow of the convoy. Then the wind failed, and the three vessels lay becalmed within cannon range. The British captain sent a boat toward the American brig; and Perry ordered a shot fired close to the boat, which then approached the "General Greene." The British officer in charge of the boat was received on board by Captain Perry, and claimed the right to board the American brig by virtue of the right of search. "I deny the existence of any right, on the part of British vessels, to search any American vessel, except with the consent of the American commander," responded Perry; "and my shot was intended to warn you that you had received no such permission." Perry shouted the same answer to the captain of the man-of-war, who hailed the "General Greene" and demanded the reason for firing on his boat. "It's a most surprising thing," said the Englishman, "if a British seventy-four-gun ship cannot search a pitiful little Yankee merchantman." "By Heaven!" responded Perry. "If you were a ship of the first rate, you should not do it, to the dishonor of my flag." Perry then ordered his gun ports opened, thus disclosing his readiness for battle. The English captain recalled his boat, and in a courteous letter requested permission to search the brig for deserters. Perry, with equal courtesy, acceded to the request.

The "Peggy," sloop, packet between Newport and New York, was stopped off Newport harbor, July 31, 1795, and searched by the "Africa," British ship of the line, Captain Home.



OLIVER HAZARD PERRY  
Monument on Right of South Approach to State House



The "Africa" had been hovering off the entrance to Narragansett Bay, and Captain Home sought M. Franchett, late French Minister, who, warned that the "Africa" was near, left the packet at Stonington. Captain Home then sent an insulting letter to Governor Fenner, demanding that Rhode Island officers assist him in capturing British deserters and permit him to purchase provisions, and threatening to treat Newport as violating neutrality should there be an interference with or impediment placed in the way of him or his officers. President Washington, to whom Governor Fenner sent Captain Home's letter, promptly revoked the exequatur of the British Vice Consul at Newport, through whom the letter had been delivered to the Governor. The "Africa," after following to sea the "Medusa," French frigate, which had been at Newport, returned, and on August 24, 1795, searched the "Ann," ship, Captain Tillinghast, of Providence, and impressed three sailors. All were British by birth, but two were alleged to have been naturalized. Thus what had been a vexatious interference with commerce on the ocean was brought closer home. As a general rule, the British government, on satisfactory proof that impressed sailors were actually American citizens, ordered release, but diplomacy was even slower than correspondence in a period in which communication overseas was by sailing vessels. Doubtful cases furnished reasons for disagreement. American merchants, feeling immediately the losses involved in interference with commerce and in seizures, became restless. Seventeen Rhode Island seamen were reported in Rhode Island newspapers in 1805 as held for failure to prove by documentary evidence their American citizenship. Later in the year, on December 11, a meeting of Providence merchants appointed a committee to draft and send to James Madison, as Secretary of State, a list of Providence vessels that had been captured, detained, condemned or plundered at sea. In June, 1813, a committee of the General Assembly reported the names of nineteen Rhode Island seamen impressed and held in service by foreign powers.

**THREATS OF WAR AND MINOR WARS**—Rhode Island had little part in the earliest wars of the new nation; the struggle to clear Ohio of hostile Indians, and the border conflict with Creeks and Cherokees were far away from Narragansett Bay. The army raised to suppress the Whiskey insurrection consisted principally of militia from Maryland, Pennsylvania and Virginia. Cannon were mounted at Fort Washington, guarding Newport harbor, in 1792, and Rhode Island hired a gunner. Rhode Island proclaimed neutrality in the war between France and England, 1793, following President Washington's proclamation. America was friendly to France while memories of the Revolution were fresh. Refugees from the French West Indies came to Rhode Island, and the General Assembly made liberal provision for supporting those without resources who had fled from Santo Domingo. England's interference with American commerce was exasperating. The "Nautilus" affair at Newport reflected the American attitude. War with England seemed almost inevitable if national honor and respect were to be maintained. The General Assembly ordered a day of fasting in April, 1794, with prayers for delivery of citizens from captivity and the nation from war. Impressionment and neglect of the rights of neutral trade had become intolerable. Congress ordered the raising of an army of 80,000 soldiers for national defence, and the General Assembly directed enlistment of 1697 militiamen as Rhode Island's quota. When war seemed certain, Jay's treaty was negotiated and ratified in spite of vigorous opposition. To offset popular disapproval of the treaty, the Rhode Island General Assembly adopted resolutions sustaining President Washington for the same "distinterested devotion . . . as our chief magistrate . . . which characterized George Washington as commander-in-chief of the army." As further evidence of undivided loyalty, the General Assembly rejected Virginia's proposal to amend the Constitution, holding it inexpedient to make changes without further experience.

France was no better pleased with the Jay treaty than might be expected; from the French point of view it constituted another grievance to be nursed with those arising from Wash-

ton's insistence upon neutrality. France discontinued diplomatic relations and was discourteous to the American Minister; French war vessels interfered with American commerce, and French privateers plundered American ships. Again the war spirit was aroused in the United States. The frigates "Constitution," "Constellation," and "United States" were completed, launched, armed, equipped, manned and sent to sea. Congress ordered the raising of an army of 80,000 soldiers, and the General Assembly directed the enlistment of 1626 men, in October, 1797, as the state's quota. March 23, 1798, was observed as a day of fasting and prayer in anticipation of war with France. The General Assembly, in May, commended President Adams for his effort to avert war through diplomacy. The Governor was directed to write to the Secretary of War concerning the defenceless condition of Rhode Island, while measures were taken to provide cannon for the artillery companies in Bristol and Providence, and a committee was appointed to prepare measures for defence of the seacoast. The militia was called out for inspection on July 4. The Governor was directed to ask the Secretary of War for 1000 muskets, eight brass fieldpieces, ammunition, and one or more vessels to patrol the coast. Committees were appointed to collect and remount Revolutionary cannon and to buy 500 muskets and six brass fieldpieces. Late in the year the Governor was directed to ask that two brass fieldpieces be sent from Springfield to Newport. Again the war cloud passed without conflict on land, although the new navy achieved an enviable reputation. The "Constellation," still used in the twentieth century as a training ship at Newport, captured "L'Insurgent," and fought a drawn battle with "La Vengeance." The United States government purchased Rose Island in 1799, and dedicated Fort Adams, for many years thereafter the principal defence of Narragansett Bay, and one of the largest fortifications in the United States. In the ten years from ratification of the Constitution to the end of the eighteenth century the military spirit had been maintained in Rhode Island; independent military companies, membership in which was voluntary, had been chartered in large numbers, including Bristol Train of Artillery, Bristol Grenadiers, Ready Volunteers of Bristol, Charlestown Independent Company, Coventry Rangers, Cranston Blues, Cumberland Light Infantry, Washington Independent Company of Exeter, Foster Safeguards, Gloucester Grenadiers, Gloucester Light Infantry, Johnston Rangers, Kentish Guards, Kentish Light Infantry, Kentish Troop of Horse, Kingstown Reds, Newport Artillery Company, Newport Guards, North Kingstown Rangers, United Company of the Train of Artillery, Providence Independent Dragoons, Pawtuxet Rangers, Smithfield Grenadiers, Scituate Hunters, Tiverton and Little Compton Dragoons, West Greenwich and Coventry Light Infantry, Captain General Cavaliers, Governor's Company of Light Infantry, Washington Troop of Horse, Washington Cavalry, Governor's Company of Independent Volunteers, Federal Blues of Warren, Portsmouth Light Infantry.

THE "CHESAPEAKE" AND THE "LEOPARD"—The peace that seemed to be assured by Jay's treaty with England and the resumption of diplomatic relations with France was shortlived. France and England were soon engaged in a desperate struggle for supremacy, and England, particularly, watched enviously the growth of American commerce and the American merchant marine. The impressment issue had not been settled, and English captains, wanting sailors, resorted to ruthless methods to obtain them. English war vessels enforced rigorously their asserted right to take alleged deserters from American ships; there were many deserters, anxious to escape rigid naval discipline, and lured by the good wages paid seamen on American vessels participating in the thriving American carrying trade, become unusually prosperous as Europe was distracted by war. Rhode Island and the United States would have entered war against England in 1807 enthusiastically, fired as the entire nation was with indignation because of the wanton attack of the "Leopard," British ship-of-war, upon the "Chesa-

peake," American frigate. Sailing from Virginia for the Mediterranean, the "Chesapeake" was intercepted by the "Leopard," which signaled that she had dispatches. The British officer who boarded the "Chesapeake" presented a demand that British deserters, alleged to be on board, be surrendered. Captain Barron, of the "Chesapeake," who had taken unusual care in recruiting his crew to exclude British subjects, replied that none were on the "Chesapeake," and the British officer withdrew. The "Leopard," which had moved closer to the "Chesapeake" during the parley, fired a shot across the "Chesapeake's" bow, and followed it with a broadside immediately. The "Chesapeake" was wholly unprepared, and fired only one shot before Captain Barron hauled down his colors to save his crew from slaughter; three had been killed and eighteen wounded in less than fifteen minutes. The "Leopard" took from the "Chesapeake" four men, three Americans who had previously been impressed by British ships, and had deserted, and one a native British deserter, who had enlisted on the "Chesapeake" under an assumed name. Of the four, the Briton was hanged, one American died, and the other two eventually were restored. The attack had occurred almost within the territorial waters of the United States, and the nation seethed with fury. Two meetings were held in Rhode Island to voice the indignation of the people. At Newport the largest meeting in years denounced the "late insult on our National Flag" and advocated preparation for war without delay. The people of Providence pledged lives and fortunes to revenge "a flagrant insult upon our national honor." The "Providence Phenix," of July 18, 1807, carried an editorial article headed "The Spirit of Seventy-six," in which it declared "No neutrality can now be tolerated. Those who are not for us are against us."

Such was the attitude of people and the press generally throughout the United States, except in Boston, where President Jefferson's political opponents first delayed and temporized, next yielded reluctantly to public clamor, and exerted restraint upon the resolutions that were adopted in the public meeting that became inevitable, and eventually, through the Federalist press, sought to sublimate the popular impulse and to divert it from its immediate purpose. Congress authorized the President to call out 100,000 militia, and the Rhode Island General Assembly, in October, 1807, directed the enlistment or drafting of 1814 men as Rhode Island's quota. The Secretary of War was requested to make suitable provision for housing the cannon furnished by the United States for the defence of Bristol and Newport. Discretion, perhaps, rather than valor, guided President Jefferson, who, with reference to the "Chesapeake"- "Leopard" affair followed his lifelong and consistent advocacy of peace by recourse to diplomacy. Instead of sending a war message to Congress, he advocated an embargo as an effective measure for enforcing demands made on England, and on December 22 signed an act of Congress forbidding the sailing of American vessels from American ports on foreign voyages. The embargo, and other measures taken subsequently to make it effective, brought to an abrupt termination the prosperous carrying trade, and became unpopular with commercial states, although the farming states eventually realized the effect of the embargo in a failing market and lower prices for their produce.

**THE EMBARGO**—In Rhode Island the embargo affected almost the entire population. The losses to merchants and others engaged in commercial occupations was indicated by a decrease of exports from \$1,600,000 in 1807 to \$240,000 in the following year in Rhode Island alone. It was estimated that \$100,000,000 worth of produce was held in the United States by the embargo, and deteriorated or became a total loss. On the other hand, foreign goods were no longer available, and some manufacturing enterprises profited from the home markets now exclusively their own. Of Rhode Island farming during the embargo it was written in 1808: "There is but little market for the productions of our labor. Our crops of hay will but little more than pay for making. What last year brought twenty dollars will thus bring but ten

dollars. Pork, at the last market of it, was worth ten cents; now it will command but little more than five." The outrage on the "Chesapeake" faded into the background of memory as the public mind focussed on the grievance of the immediate present, and the administration became unpopular because of its policy, undertaken to avoid a war for which the country was almost wholly unprepared, had accomplished economic distress, although it may be questioned seriously if the privations by reason of loss of commerce equalled the economic burden of financing a war. The Rhode Island General Assembly, in 1809, adopted resolutions remonstrating against continuance of the embargo and enforcement act, urging (1) that the latter infringed inalienable rights and privileges of the good people of the United States; and (2) that it was unjust, oppressive, tyrannical and unconstitutional. The resolutions were emphatic, but they were voted in face of vigorous opposition, the vote being seven to four in the Senate, and thirty-five to twenty-seven in the House of Representatives. In the same resolutions the Assembly asserted its own duty to be vigilant in safeguarding the rights of citizens and the state not delegated to regulation by Congress, and, with reference to the alleged usurpation of power by the latter, declared that a "dissolution of the union may be more surely, and as speedily, effected by the systematic oppression of the government as by the inconsiderate disobedience of the people." The tone of the resolutions contrasted distinctly with that of the Rhode Island resolutions rejecting the Kentucky and Virginia resolutions of 1799; it was prophetic of the antipathy toward the federal administration which led to the Hartford Convention in 1814. The embargo was repealed in 1809, being superseded by the non-intercourse law. Impressment and interference with trade continued, and a party favoring war carried the national congressional election of 1810, seventy new members being chosen. The South and West wanted war with England; New England distrusted the policy of attacking the most vigorous opponent of imperialism in Europe. Jefferson recognized the failure of the embargo policy in the declaration "we must fight it out or break the union."

MR. MADISON'S WAR—The policy of Rhode Island as war developed was forecasted in resolutions adopted in the Providence town meeting of August 7, 1812, after news of the declaration of war in 1812 had been received, which in part were as follows:

It is the duty of every citizen promptly to aid in repelling all invasions of enemies, made for the purpose either of plunder, bloodshed or devastation or with any view to infract the rights, usurp the privileges, or interrupt the political freedom of any person whatever. . . . We consider it most indispensably needful, at this time, to give all aid for suppressing all riots, tumults and mobs, believing that, however terrible war may be between nation and nation, his terrible features almost soften with mercy, when compared with the grim and bloody visage of civil commotion. . . . We will, at the hazard of all things, aid in the support and complete execution of the laws, knowing that safety cannot be found when law is trampled under foot, and believing that neither life, liberty or property can be secure when once secret threats or open force have with impunity violated the freedom of speech, of the press, and of election. . . . We do all pledge ourselves, promptly, and on all occasions, to resist, and, if possible, repel, all hostile invasions from the enemy; that we will assist in quelling riots, tumults and mobs, and do all in our power to discourage and discountenance everything tending to those direful conflicts, hereby guaranteeing to all persons, so far as our influence and the effect of our exertions can extend, the perfect protection of the laws, so that they may, at all times, in all places and on all occasions, freely speak and publish their opinions, and nominate and elect their public officers, nor be answerable therefor to any man or collection of men, nor to any tribunal on earth but such only as are established by the laws of the land. . . . For obtaining the objects aforesaid we do recommend to all persons capable of bearing arms forthwith to furnish themselves with arms and ammunition, and be ready at a moment's warning to aid in defence of themselves, their families and their country.

Briefly the resolutions might be summarized as voicing patriotic sentiments strongly favorable to maintaining internal order and to resisting aggression amounting to invasion, but as carrying also an undisguised warning that Rhode Island was prepared to resist invasion of

constitutional rights. Rhode Island would engage in defensive warfare; it was not committed to the plan for invading Canada, which was the favored project of the "War Hawks" led by Clay and Calhoun. The resolutions were cold and studied, and wanted enthusiasm and spontaneity. Federalists were in control in Rhode Island; the administration at Washington was Republican.

The declaration of war against England, expected within a few months, after the war Congress elected in 1810 had been organized in 1811, was issued in June, 1812. Congress had anticipated the declaration by some measures of preparation and had authorized the raising of an army of 100,000 men. The General Assembly, in May, directed the enlisting or drafting of Rhode Island's initial quota of 500 soldiers. Although the Governor and the General Assembly complied with the early requests of the President and his secretaries, neither was enthusiastic. Even before the declaration of war, in resolutions drafted in May and addressed to Congress, the General Assembly expressly deprecated recourse to war and requested that Congress, with regard to the exposed and defenceless situation of Rhode Island, inaugurate proper measures to safeguard the state against attack and invasion. In view of repeated complaint that the federal government had left Rhode Island defenceless during the war, it should be mentioned that the following fortifications were in existence when war was declared: Fort Adams, then the largest fortress in the United States; Fort Walcott and Fort Hamilton, near Newport; Dumpling Fort at the entrance to Narragansett Bay; North Battery and Tonomy Hill. The complaint, if at all justifiable, must be based upon the federal government's failure to increase garrisons. On the other hand, the Governor and General Assembly refused to detach Rhode Island militia, to be commanded by federal officers, even for garrison duty. At the July session, 1812, Governor Jones laid before the Assembly for consideration President Madison's war message, the declaration of war by Congress, and an order from Washington that the 500 Rhode Island soldiers previously requested and being enlisted should be placed under the command of Major General Dearborn. The Assembly directed the Governor to ask President Madison to send ordnance, muskets and ammunition to Rhode Island, and to ask General Dearborn to distribute to the Rhode Island militia muskets stored at Newport. A council of war, consisting of six members, was appointed to advise and assist the Governor. July 23 was designated as a day of prayer and fasting. The Governor was authorized to call out all or any part of the militia in the event of invasion. Three months later, at the October session, Governor Jones in a message to the General Assembly reported that General Dearborn had requested, additional to the 500 soldiers authorized for enlistment as part of the national army, two companies each of artillery and infantry from the militia, to be posted for garrison duty, in the forts at Newport. The Governor had called the war council for advice because he doubted that the President or his subordinates had a right under the Constitution to call out the militia except "to execute the laws of the union, suppress insurrections and repel invasions."\* The council had advised that the militia could not be transferred to the command of federal officers except for one of the three reasons enumerated in the Constitution, and that responsibility rested with the Governor, as Captain General and the commander-in-chief of the militia, to determine whether or not any one of the causes for transferring the militia actually prevailed.

A sharp, clear-cut distinction had been drawn between the 500 soldiers enlisted for the national army, who were detached and sent outside the state on requisition, and the four companies of militia requested by General Dearborn, and Governor Jones had taken the same position assumed by the Governor of Connecticut and the Governor of Massachusetts, each of whom refused to transfer organized state militia to the command of General Dearborn either

\*Article I, section 8, paragraph 15.

for field or for garrison duty, the latter to replace units of the regular army that had been withdrawn from New England. Technically justifiable because the United States actually had not been invaded, and because there was no outstanding issue of law enforcement and no insurrection, the course of the three southern New England states had deprived them of the organized defence possible had the almost 10,000 militia requested by General Dearborn been ordered into service and combined as a New England army. Besides, Rhode Island lost 500 Massachusetts militia requested by General Dearborn for garrison duty at Fort Adams. The three southern New England Governors, at the time, professed to fear that the state militia, if transferred to federal command, would be marched out of the territory, perhaps into Canada to support the invading army operating on the Great Lakes frontier. Governor Jones also reported to the General Assembly that 1000 muskets had been promised by the federal government and were to be sent to Rhode Island. The committee of the Assembly to which the Governor's message was referred reported that Congress, so long before as 1808, had made provision for the purchase, accumulation and distribution of arms, and had raised and expended public money for the purpose; but that none of the arms had been deposited in Rhode Island, all having been distributed in southern and western states. It characterized the correspondence received by the Governor from certain federal officers as evidence of imbecility. It condemned the withdrawal of regular army units from Rhode Island forts. It congratulated the people of Rhode Island that Governor Jones had had the courage to resist and deny the President's request for the militia, and that the war council had had the wisdom to sustain the Governor. Reverses on the northwestern front indicated late in 1812 that the invasion of Canada would not be a parade of triumph, and that, with the reinforcements required there, the defence of New England would be left principally to the New England states.

Governor Jones could be as energetic in practical measures as he was cautious in insisting upon adherence to a literal reading of the Constitution. In his message to the General Assembly at the opening of February, 1813, he announced that 1000 muskets had been received from the federal government, and deposited half at Newport and half at Providence; that cartridges had been made and flints procured in reasonable quantities for use immediately; that diligent search had been made but no record could be found of cannon formerly owned by the state, but that three pairs of brass fieldpieces had been obtained and placed, one pair each at Bristol, Newport and Warwick; and that he had asked for 1000 additional muskets, and for fieldpieces at Fort Walcott that were not in use; that, in the event of an attempted invasion by English troops, the militia was available for immediate service. The General Assembly approved the Governor's action, and ordered the Quartermaster General to have all muskets belonging to the state repaired and put in good condition, and deposited at convenient places with the commanders of the militia, with twenty-four rounds of ammunition and three flints for each musket. At the May session a memorial to the President was prepared to present to him the defenceless condition of the coast, and to urge that the United States ought to undertake the manning of the forts at Newport with regular troops. Attention was also directed to the diversion of revenues from state to federal government with the ratification of the Constitution, and to the fact that Rhode Island alone paid of federal taxes more than each one of half of the other states. The transfer of revenue had assumed acceptance by the federal government of the responsibility for the common defence. The argument was sound and based upon facts: Rhode Island by ratifying the Constitution had sacrificed a revenue derived from imports and tonnage duties; Rhode Island then, as in the twentieth century, through taxation, contributed more than each of many states of much larger area to the support of the federal government. Resolving that the government of the United States had failed to defend the coast of Rhode Island, the Governor was directed to establish patrol

guards, with the advice of the war council, and to draft men from the militia and pay them by orders drawn on the general treasury. A month later, in June, the Governor reported that the federal garrisons had been withdrawn from Fort Adams and Fort Walcott, and asked the General Assembly to devise means of defending the state.

The war spirit was rising in Rhode Island, in face of the abandonment of federal protection. Several independent military companies that had permitted their charters to lapse sought renewal of incorporation and reorganization, among them the Federal Blues of Warren, Captain General Cavaliers, Tiverton and Little Compton Dragoons, Kentish Troop, Cumberland and Smithfield Light Dragoons and Washington Cavalry; and new companies were chartered, including the North Kingstown Guards, Independent Company of Riflemen of Cumberland, and Civil Guards of Providence. The General Assembly directed the Governor to write to Washington that Rhode Island was not satisfied with the proposal that the Narragansett Bay forts should be manned by militia; and to complain that the abandonment of Rhode Island had been completed by the removal of seamen from the gunboat flotilla at Newport.\* Stern measures to strengthen the militia were approved. A grant of \$300 to purchase two six-pound fieldpieces for the Providence Marine Corps of Artillery was authorized, and the Governor was directed to procure two fieldpieces for the Washington Artillery, and to continue the patrol guards in service.

Early in 1814 the Governor in a message to the General Assembly complained of the indifference of the federal government to the protection of New England. The Assembly declared April 7 a day of prayer and fasting, and adopted resolutions that called for an examination of the exact nature of the relation existing between state and nation. One resolution declared: "It is the most sacred duty of the legislature always to guard, defend and secure the sovereign rights of the state from all encroachments, and to protect its citizens from all arbitrary infringements of their inalienable privileges, by whomsoever such encroachment and infringement may be meditated or attempted," and authorized the appointment of a committee of two Senators and three Representatives to inquire: "First, in what spirit the Constitution adopted by the state on the thirtieth day of May, A. D. 1790, for the establishment of a limited federal government has been administered? Second, whether any, and if any, what encroachment has been made or attempted upon the sovereign rights of the state and upon the inalienable rights of the citizens thereof? Third, what measures it will be advisable for this government to pursue more effectually to guard, protect and secure the rights and privileges of the state and of the citizens thereof from arbitrary encroachment and violation?" The committee was directed to report on the third day of the next session of the Assembly, but there is no record that a report was presented. With the success of the allied armies in Europe and the exile of Napoleon to Elba, England was free to deal with America and began to move Wellington's veteran troops across the Atlantic. By midsummer of 1814 New England was threatened with invasion; Stonington, Connecticut, was bombarded by a British fleet, August 9-12; the Capitol at Washington was burned, August 24; Nantucket negotiated a "treaty of neutrality" with a British fleet, August 31; General Jackson defended New Orleans and defeated Pakenham December 23-January 15.

The Rhode Island General Assembly undertook vigorous measures for defence at the June session. The Governor was authorized to call out the militia, whole or in part, or to draft a state force from the militia and chartered commands, or to raise a state force to be received by the President into the service of the United States. Fortifications were ordered built to defend exposed towns. The Governor was directed to send a message to the President, asking for advice on means of defence. The Governor assigned militia companies to patrol and guard duty, and artillery was placed at Tiverton, near Stone Bridge; at Little

\*Perry had gone to Lake Erie.

Compton; at Barber's Heights in North Kingstown; at Warren and East Greenwich. General Swift, United States Army engineer, visited Rhode Island and inspected the defences in September. Providence was fortified, by repair of the Revolutionary forts at Robin Hill and Field's Point, construction of Fort William Henry at Field's Point, and small forts guarding the roads from Pawtuxet, Cranston, and Hartford. On the east shore, in Massachusetts territory, earthworks were constructed on Fort Hill and at Kettle Point. A guard ship was stationed in the river between Field's Point and Kettle Point, and a river watch was maintained. Farther down the river, near Pawtuxet, hulks were prepared for sinking to block the channel against an approaching fleet. Zechariah Allen kept a record of the labor, aggregating 3100 days, performed in the construction of the defences of Providence by the United Train of Artillery, Greene Association, Marine Artillery, Volunteer Company, Cadets, students of Brown University, "gentlemen of the bar," Freemasons, "free people of color," by other volunteers and inhabitants of Providence not otherwise classified, and inhabitants of Gloucester, Scituate, Smithfield, Johnston, Burrillville, Foster, Cumberland and North Providence, of Rhode Island towns, and inhabitants of Seekonk, Massachusetts. The alarm and watching continued until news of the signing of a treaty of peace was received on February 12, 1815.

The General Assembly continued to direct measures for defence. The Governor reported additional muskets received from the federal government, and in September the Assembly authorized the raising of a state loan of \$100,000 to defray the rapidly growing expenditures. At the same session a draft of militia was ordered to fill the ranks of the state corps in active service, and the Governor was authorized to march the militia out of the state should occasion arise. Letters were sent to other states, offering coöperation and assistance in joint military operations, and asking similar coöperation and assistance should need arise in Rhode Island. The Governor was also authorized to accept the services of volunteer companies of artillery, to erect fortifications, and to engage an official secretary to assist him. Governor Jones was less optimistic in October, 1814, than he had been earlier in the year. The loan project had not been completely successful, in spite of the attractive offer of interest, and men had not flocked to the colors to enlist for active service. The state administration had begun to experience, on the part of the inhabitants of the state, some of the coldness and indifference that it had displayed in relations with the federal administration. The people of Rhode Island, apparently, had learned that it was "Mr. Madison's War."

**THE HARTFORD CONVENTION**—The General Assembly accepted an invitation to send delegates to a convention called to meet at Hartford on December 15, 1814. The committee to which the invitation was referred for consideration before action roundly abused the federal government for "oppression," the report asserting: "We are not alone in these calamities. Our sister states of the south have been almost equally oppressed and abused. They are beginning to assert their rights, and with us they will never suffer our common rights under the Constitution to be prostrated by a government we have ourselves created." Resolutions accepting the invitation were milder in tone and corresponded harmoniously with the call to consider the propriety of adopting "some mode of defence suited to the circumstances and exigencies of these states," and to consult upon proposed amendments to the Constitution of the United States. The Rhode Island resolutions follow: "Whereas, this General Assembly, having long witnessed with regret and anxiety the defenceless situation of the state, did at the last session request his excellency the Governor to communicate with the executives of our neighboring sister states upon the subject of common defence by our mutual coöperation; and, whereas, these states feeling equally with us the common misfortunes and the necessity of united exertion, have appointed and invited us to appoint delegates to meet and confer upon our calamitous situation, and to devise and recommend wise and prudent means for our

common relief, resolved," etc. The Assembly was far from unanimous; the vote was thirty-nine to twenty-three, and the minority protest was excluded from the minutes because of "its indecorous language and foul aspersions on the motives of the majority." Daniel Lyman, Samuel Ward, Benjamin Hazard and Edward Manton were chosen as delegates.

To the Hartford convention of 1814 Connecticut and Massachusetts sent delegations authorized by the state legislatures. The Vermont and New Hampshire delegates were chosen by counties, and thus did not represent their state governments. The convention consisted of twenty-six able and distinguished men; the Rhode Island delegation was thus qualified: Daniel Lyman, Revolutionary veteran, who had risen to the rank of major, as a lawyer achieved reputation, and in 1814 was Chief Justice of the state Supreme Court. Samuel Ward, son of Governor Ward, one of Christopher Greene's companions on the Quebec expedition, and later colonel in the Continental army, had been appointed delegate to the Annapolis convention of 1786. Benjamin Hazard, lawyer, had been a member of the General Assembly for many years. Edward Manton, though less conspicuous, was highly esteemed in Rhode Island. Twenty-three of twenty-six delegates were lawyers or judges. The convention was in secret session for three weeks, while a regiment of federal troops lay encamped at Hartford on "recruiting service." If radical Federalists expected a project for disunion from the convention they were disappointed at the outset by the choice of a conservative presiding officer; as it was, the report of the convention was an able discussion of relations between the states and the federal government, and included seven suggested amendments to the Constitution of the United States. The convention, however, incurred the odium of being traitorous, was unwise in imposing secrecy, and destroyed the political prospects not only of its members, but of the Federalist party as well. Connecticut and Massachusetts legislatures on receiving the convention report appointed representatives to lay the measures proposed before Congress. Governor Jones presented the report to the General Assembly in Rhode Island, but peace had been proclaimed and no action was taken. Besides peace, the nation was rejoicing, in spite of the reverses and disappointments that unpreparedness had entailed, in Perry's victory on Lake Erie, McDonough's achievement on Lake Champlain, the exploits of the navy, and Jackson's battle at New Orleans. One of these belongs to Rhode Island history.

**OLIVER HAZARD PERRY'S EXPEDITION TO LAKE ERIE**—The Rhode Island General Assembly, in 1813, complained that men enlisted for the gunboat flotilla at Newport for defence of Narragansett Bay had been withdrawn by the federal government for service elsewhere. One hundred fifty had left Newport, led by the late commander of the flotilla, Oliver Hazard Perry; they were, for the most part, native sons of Rhode Island, like him, including sailors and shipwrights, men and boys. Son of Captain Christopher Raymond Perry, of Rhode Island, and Sarah Alexander, whom his father met and wooed while he was a naval prisoner of war at Newry, County Down, Ireland, Oliver Hazard Perry was born in South Kingstown, August 23, 1785. When fifteen years of age he was a midshipman on his father's vessel, and subsequently participated in the Mediterranean service against the pirates with Decatur, Bainbridge, Somers and Preble. In 1809 Perry commanded the "Revenge," schooner, fourteen guns; and in 1812, at the outbreaking of the war he was assigned to command the gunboat flotilla at Newport. There on December 6, 1812, he saw the "Macedonian," British man-of-war, brought into port captive after a furious naval battle in which Decatur was the victor. Perry chafed at his own inactivity, and rejoiced when, in February, 1813, following his own request for appointment elsewhere, he was ordered to proceed from Newport to Lake Erie.

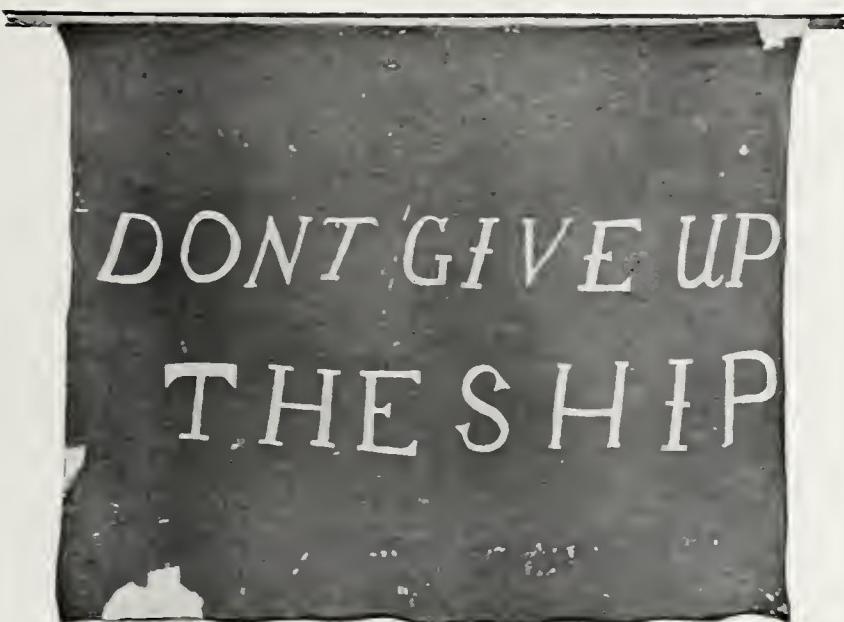
With him as volunteers went 149 officers, sailors and boys. One-third, under sailing-master Almy, departed on the day that orders were received; Perry never delayed. As many

more, under sailing-master Champlin, left two days later, on February 19; the remainder, under sailing-master Taylor, went forward on February 21. Perry himself, with a younger brother, left Newport on February 22, after transferring his command and giving proper attention to other details of service. What would be, in modern times a journey of somewhat less than two days in comfortable railway coaches, was then a long trek overland; there were no railways, and no smooth roads and automobiles in 1813. Perry and his comrades had started across country on a great adventure; they had been ordered to build a fleet in the wilderness, and with it wrest control of the lakes from the British fleet commanded by Commodore Barclay, a veteran British naval officer who had served with Nelson. Meeting Commodore Chauncey, commanding a squadron on Lake Ontario, at Albany, Perry continued on, in part through the wilderness, to Sackett's Harbor, which he reached on March 3. There the entire Rhode Island party was detained for two weeks by Commodore Chauncey, who feared a British attack upon his squadron. When, eventually, Perry was permitted to proceed, one-third of his original forces remained with Commodore Chauncey as reinforcements. Eight days later Perry was at Buffalo. On March 25, he inspected the navy yard at Black Rock, and the next day set out in a sleigh over the frozen lake for the harbor of Erie.

"There," wrote Bancroft, "he found that the keels of two brigs had been laid, and three gunboats nearly finished by New York mechanics, under the direction of Noah Brown as master-shipwright; but no precautions for defence had been taken; not a musket was employed to guard against a sudden attack of the enemy; nor had the ice been used for the transportation of cannon from Buffalo." The young commander acted at once. Before night he organized a guard out of the villagers of Erie, ordered sailing-master Dobbins to repair to Buffalo, to bring up forty seamen, muskets, powder, and, if possible, cannon; and wrote to the navy agent at Pittsburgh to hasten the movements of a party of shipwrights, on their way from Philadelphia. He found time to make a hurried journey to Pittsburgh to assure prompt forwarding of men and supplies. No inconsiderable part of Perry's task lay in organizing transportation of men, munitions and supplies, and every available resource was utilized.

The route from Dayton, in Ohio, to the lake was so difficult that the line of road through the forest and prairies could be traced by the wrecks of wagons, clinging with tenacity to the rich, miry soil; while the difficulties of transportation by land, along the lake shore, were insurmountable. Yet, to create a superior naval force on Lake Erie, it was necessary to bring sails, cordage, cannon, powder, military stores, from a distance of 500 miles, through a region of which a considerable part was uninhabited. There were shipwrights and seamen from Rhode Island and Pennsylvania, as well as New York and Ohio; stores of powder were transported from Delaware. Perry was the central point of confidence, for he turned everything to account. The white and black oak, and the chestnut of the neighborhood, often cut down on the day on which they were used, furnished the frames of the vessels; the outside planks were of oak alone, the decks of pine. To eke out the iron, every scrap was gathered from the village smithies and welded together.

Yet with all the difficulty of his position, Perry found time to join Chauncey, as a volunteer, in an attack on Fort George, at the outlet of the Niagara River. "As soon as night closed in" on May 23, "he threw himself into a four-oared open boat; rowing relentlessly through darkness, and against squalls and head winds, he reached Buffalo the next day, and on the evening of May 25 joined Chauncey. He was present at every point where he could be useful, under showers of musketry." The victory at Fort George opened the river and lake for traffic, and it was possible to move vessels and naval stores from Black Rock. The ships included the "Caledonia," captured from the British a year before, and three small schooners and a sloop, trading vessels converted into gunboats. By July 10, Perry's fleet was completely built; only men were wanted, and these came slowly, while Perry fretted at enforced inactiv-



PERRY'S FLAG AT LAKE ERIE



ity. Still he was drilling the men he had and fashioning them into a formidable fighting machine.

Perry succeeded, early in August, in moving his largest vessels, the brigs "Lawrence" and "Niagara," over the sandbar that closed the harbor of Erie to vessels except those of light draft, and drove the British fleet in retreat to Malden, where it awaited completion of a new ship called the "Detroit," which would overcome the erstwhile superiority of the Americans. The rival squadrons met in battle on September 10. The British were stronger in ships; in guns, 63 to 54; in long guns for action at a distance, 35 to 15; in effective fighting men, 450 to 350. The Americans could throw heavier broadsides at close range. Of the British, 150 were from the royal navy, 80 were Canadian sailors, 210 were soldiers. One-quarter of the Americans were from Rhode Island, daring fellows like Perry; five of Perry's vessels had Rhode Island commanders, and 51 of 54 guns were captained by Rhode Islanders. One-fourth of Perry's force were sailors; one-fourth were volunteer landsmen from inland states, Pennsylvania, Ohio and Kentucky; and one-fourth were negroes. Against odds of ships, guns and men Perry went into battle with confidence and determination, unfurling a blue flag on which in awkwardly cut white letters were the last words of Lawrence, "Don't give up the ship!" Perry planned to fight at close quarters, thus to overcome with heavy broadsides from his short-range cannon the advantage which the British had in long-range guns.

The battle opened shortly before noon, and Perry, moving promptly to engage the enemy, received on the "Lawrence" the concentrated fire of three British ships. "On board the 'Lawrence' the shrieks of wounded and the crash of timbers shattered by cannon balls were still heard; but its own fire grew fainter and fainter; one gun after another was dismounted. Death had the mastery; the carnage was unparalleled in naval warfare; more than four-fifths of the effective officers and men on board were killed or disabled by wounds; the deck, in spite of the layer of sand, was slippery with blood, which ran down the sides of the ship; The wounded and the dead lay thickly strewn everywhere around. To fire the last gun Perry himself assisted. At last every gun in the ship's battery on the enemy's side was dismounted, every brace and bow-line was shot away; the vessel became unmanageable." Only twenty effective men remained on board, including Perry and his brother, a lad of thirteen years. Perry's fire had been effective, however, and the enemy had suffered severely.

Perry determined to transfer his flag to the "Niagara," which had been slow in moving to his support and was practically a fresh ship, still little harmed by the fire of the British. He changed from the garb of a common seaman, in which he had fought to escape identification by British marksmen posted in the rigging to pick off officers. With his brother and four seamen he rowed to the "Niagara," which had passed to windward of the "Lawrence," standing erect amid a rain of bullets from the British and cheers from the Americans, all of whom recognized the purpose of the manoeuvre. Taking command of the "Niagara," Perry at once closed with the enemy and in eight minutes raked the "Detroit," British flagship, which struck its colors. The American loss, principally on the "Lawrence," was 27 killed and 96 wounded. Before four o'clock Perry had written his famous message to General Harrison, "We have met the enemy and they are ours; two ships, two brigs, one schooner and one sloop." Perry returned to the "Lawrence" to receive the British surrender. The British power on the Lakes was broken, and the way was open for recuperation of losses earlier in the war.

**PERRY'S VICTORY RECOGNIZED**—Fifty years after the battle the city of Cleveland erected a marble monument to Oliver Hazard Perry. At the dedication Dr. Usher Parsons, who had been fleet surgeon in Perry's squadron, in the course of his address, said: "This statue is a

work of rare artistic skill. The marble, drawn from classic Italy, has a fine grain, and hue, and polish, and when struck, gives the true ring of pure and durable material. Its magnificent pedestal is taken from the bank of the Pawcatuck in Rhode Island, thus associating the grateful and pleasing ideas of a noble marble statue, erected by citizens of Ohio, to perpetuate the name and fame of Perry, on a Rhode Island basis, ideas that in all future time will stir and warm the hearts of the sons and daughters of that state who in their westward pilgrimages will stop to survey and admire this beautiful specimen of native art." The original sculptor's model for the Cleveland monument, by William Walcutt, was used again in 1927-1928 for an enduring monument in bronze, which has been placed at the southern approach to the State House in Providence. The dedication of the Cleveland monument was a notable event. Bancroft, the historian, delivered the oration. Governor William Sprague, of Rhode Island and his staff, other state officers and members of the General Assembly, the First Light Infantry and Marine Corps of Artillery attended. Besides Dr. Usher Parsons, Thomas Brownell, sailing-master of the "Ariel," was with the Rhode Island party.

The one hundredth anniversary of the battle was celebrated by the dedication of a Perry memorial at Put-in Bay. The memorial there consists of a plaza rising gradually to the level of 12 feet, 758 feet long and 461 feet wide, surrounding a Doric column 335 feet high. The column is 45 feet in diameter at the base and 35 feet at the top, and is, with the exception of the granite obelisk at Washington, the highest monument in the world. The memorial was an enterprise of the states bordering on the lakes, besides Kentucky and Rhode Island. At the same time the hulk of the "Niagara" was raised from the waters of the lake, after lying there for eighty years, rebuilt, reequipped and rigged, and sailed from Detroit to Buffalo. Lieutenant Governor Roswell B. Burchard of Rhode Island delivered the oration at the launching of the "Niagara." Again Rhode Island sent to the celebration the Governor and his staff, members of the General Assembly, and military companies.

Other memorials to Perry include a statue at Newport and a painting by Gary Melcher in the state reception room in the State House at Providence. The Newport statue was erected as a joint memorial by the state of Rhode Island, the city of Newport, and patriotic citizens of Newport, who contributed generously to a fund. It was dedicated September 10, 1885. The blue cotton jacket worn by Perry during the battle is in the cabinet of the Rhode Island Historical Society at Providence, with a sword presented to Perry by the common council of Albany. Perry's blue flag is preserved in the United States Naval Academy at Annapolis. An oil painting of Perry, in the possession of the Rhode Island Historical Society, is framed in wood from the "Lawrence." Perry died in May, 1819, a victim of yellow fever; he has been buried, since 1826, in Newport.

Tributes to Oliver Hazard Perry by historians and other writers indicate the significance attached to his victory at Lake Erie. Of these only a few are gathered here. "The personal conduct of Perry throughout the tenth of September was perfect," wrote Bancroft.

His keenly sensitive nature never interfered with his sweetness of manner, his fortitude, the soundness of his judgment, the promptitude of his decision. In a state of impassioned activity, his plans were wisely executed with entire coolness and self-possession. The mastery of the lakes, the recovery of Detroit and the Far West, the capture of the British army in the peninsula of Upper Canada, were the immediate fruits of his success. The imagination of the American people was taken captive by the singular incidents of a battle in which everything seemed to have flowed from the personal prowess of one man; and wherever he came the multitude went out to bid him welcome. Washington Irving, the chosen organ as it were of the country, predicted his ever increasing fame. Rhode Island cherishes his glory as her own; Erie keeps the tradition that its harbor was his shipyard, its forests the storehouse for the frames of his chief vessels, its houses the hospitable shelter of the wounded among his crews; Cleveland graces her public square with a statue of the hero, wrought of purest marble, and looking out upon the scene of his glory; the tale follows the emigrant all the

way up the Straits, and to the head of Lake Superior. Perry's career was short and troubled; he lives in the memory of his countrymen, clothed in perpetual youth, just as he stood when he saw that his efforts were crowned with success, and could say in his heart, "We have met the enemy and they are ours."

"Perry drove England back behind the barricades of her new France," wrote Henry Watterson. "The fight off Put-in Bay rescued the territory conquered by George Rogers Clark and wiped out the disgrace of Hull's surrender. . . . Perry cleared the way for Harrison's advance and shortened the distance between Bladensburg and the Treaty of Ghent. But, above all, it was Perry . . . who gave the world assurance of a man, of an American and of America, the relentless, the unconquerable; of the glad, the glorious, the wonder-breeding; of the union, the imperishable." "The last roar of the cannon that died along her shores was the expiring note of British dominion," wrote Washington Irving. "In future times, when the shores of Erie shall hum with busy population; when towns and cities shall brighten where now extend the dark and entangled forests; when ports shall spread their arms, and lofty barks shall ride where now the canoe is fastened to the stake; when the present age shall have grown into venerable antiquity, and the mists of fable begin to gather around its history, then will the inhabitants look back to this battle we record, as one of the romantic achievements of the days of yore. It will stand first on the page of their local legends, and in the marvelous tales of the borders." "No process of argument or ingenuity of seamanship could deprive Perry of the fame justly given him by the public, or detract from the splendor of his reputation as the hero of the war," wrote Henry Adams. "More than any other battle of the time, the victory on Lake Erie was won by the courage and obstinacy of a single man." "The victory which Perry won over the British on September 10, 1813, was fraught with immense political and military consequences," wrote K. C. Babcock. "Its effect, too, on the American people was decidedly important; for the first time an American fleet had met a British fleet and defeated it. Nor was it fair to discount the significance of the victory by saying that the vessels were small and of hasty construction. The charm of British invincibility had been broken in the great ship duels which made the names of Decatur, Bainbridge, and Hull household words. To this list was now added the name of Perry who was looked upon by the Americans as a hero of the same class as Nelson; and he in turn received their adulation, evidenced by receptions, illuminations, and presented swords."

"Rhode Island glories in having been one of the old thirteen—the first, whether by declaration or by overt act, to renounce allegiance to George III," wrote E. Benjamin Andrews. "She founded the American navy, and its most splendid achievement to date stands eternally associated with a Rhode Island name. All the world knows how, in the person of Oliver Hazard Perry at the immortal battle of Lake Erie, we of Rhode Island 'met the enemy and they are ours.'" "The thunder of Perry's cannon proclaimed upon your inland seas the Rhode Island watchword, 'Hope,'" wrote Roswell B. Burchard. "In the hour of dire despondency, when Winchester had surrendered and the army of the northwest had been rent asunder, when the savage and merciless foe were at your doors, and when the gloom of defeat hung like a pall over the land, it was the flame flashing from these bulwarks that rekindled the fires of national glory, revived the languishing spirit of 1776 in the breasts of men, and turned the shame of Detroit and Mackinac into the triumphs of the Thames, Niagara, and Lundy's Lane. The invading army was annihilated, the infamous Proctor put to flight, the warrior Tecumtha slain, and British control over the Indian allies forever broken."

"The Western frontier was rescued from the horrors of the scalping knife and the tomahawk during the last war," said Congressman Baylies of Massachusetts in 1822, "by the consummate skill and matchless bravery of Oliver Hazard Perry, a favorite son of Rhode Island." "The victory of Perry on Lake Erie will go down in history as one of the most

remarkable battles ever fought," said the "Newport Mercury," "and the consequences of that victory are as great as the contest was heroic. It redeemed a continent and brought back to the United States a territory today teeming with 30,000,000 of loyal citizens."

There were other Rhode Island heroes in the battle; Champlin, Turner, Brownell and Almy commanded four of the smaller American vessels. The story of Wilson Mays, a man from Newport, epitomizes the spirit of the day: Usher Parsons of Rhode Island, the surgeon's mate, and the only man in the fleet who was then able to render surgical aid, heard a call for him at the small skylight that let in the day upon his apartment; and as he stepped up he recognized the voice of his commander, who said, with a placid countenance and a quiet tone: "Doctor, send me one of your men," meaning one of the six men allowed for assistance to the wounded. The call was obeyed; in a few minutes it was successively renewed and obeyed, till at the seventh call, Parsons could only answer that there were no more. "Are there any that can pull a rope?" asked Perry; and two or three of the wounded crawled on deck, to lend a hand at pulling at the last guns. Wilson Mays, who was so sick as to be unfit for the deck, begged to be of use. "But what can you do?" was the question. And he replied, "I can sound the pump, and let a strong man go to the guns." He accordingly sat down by the pump, and at the end of the fight was found at his post with a ball through his heart! Stephen Champlin of Rhode Island, commanding the "Scorpion," fired the first and last shots in the battle.

Almost five years after the battle of Lake Erie the Rhode Island General Assembly recorded its earliest public and official recognition of Perry's achievement. A committee of the Assembly was appointed in June, 1818, to collect documents and memorials necessary to preserve the history of Oliver Hazard Perry's victory; and the Assembly voted that Perry be requested to "sit for his portrait to be taken by Gilbert Stuart, Esquire, a distinguished artist and also a native of Rhode Island." Within another year Perry had died; on receiving news of the death, the General Assembly, at the October session, 1819, voted that each of its members wear crepe on the left arm for thirty days. Rarely in its career of almost 200 years had the Assembly paused in its business to record an expression of sorrow at the death of a member or public officer; the vote to wear insignia of mourning for Oliver Hazard Perry was without precedent. Benjamin Hazard was directed to "compose and publish" a biography of Perry. At the same session the state's Senators and Representatives in Congress were directed to request that suitable provision be made for Perry's widow and for the education of his children. The body of the hero was removed to Newport for burial in the Island Cemetery in 1826; in 1832 the State of Rhode Island erected a cemetery monument over his grave. The one hundredth anniversary of the battle of Lake Erie was celebrated in Rhode Island as a public holiday, in accord with two resolutions of the General Assembly, in part as follows:

Whereas, on September 10, 1813, one of the greatest naval victories of history was won in the Battle of Lake Erie, a victory of which President Madison says in his message to Congress on December 7, 1813: "On Lake Erie the squadron under command of Captain Perry, having met the British squadron of superior force, a sanguinary contest resulted in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country and will fill an early page in its naval annals with a victory never surpassed in lustre." And whereas, Oliver Hazard Perry, a native and citizen of Rhode Island built, equipped, manned and commanded the victorious American fleet on that occasion; and whereas, fifty-one of the fifty-four guns in that victorious American squadron were commanded by Rhode Islanders; Perry, Turner, Champlin, Brownell and Almy, all Rhode Islanders, commanded vessels; Breeze, Dunham, Taylor and young Alexander Perry were officers of the fleet; and Doctor Usher Parsons, long a leading surgeon of the city of Providence, was the fleet surgeon; and whereas, 150 men of the 400 comprising the American forces on that occasion were citizens of Rhode

Island; and whereas, the one hundredth anniversary of this great victory, which occurs on September 10, next, will be commemorated by a celebration in which the President of the United States, the governors and authorities of many of the states of the Union, and the representatives of other governments will participate; at which time will be dedicated the monument erected in commemoration of this great victory, by the United States and by nine of the states of the Union, on Put-in-Bay Island, in Lake Erie; and whereas, Rhode Island having contributed so largely to this great victory it is fitting that the state shall take a prominent part in this commemoration; now, therefore, be it resolved that \$1500 be appropriated to pay the expense of suitable representation, etc., and whereas, Wednesday, September the tenth, A. D. 1913, marks the one hundredth anniversary of the battle of Lake Erie, fought and won off Put-in-Bay Island, Lake Erie, State of Ohio, in which Commodore Oliver Hazard Perry won his naval victory; and Whereas, on said tenth day of September, A. D. 1913, there is to be erected on said island a permanent memorial to said Commodore Perry; and whereas, it is fitting that the citizens of this state should further recognize the observance of said anniversary, therefore be it resolved, that Wednesday, September the tenth, A. D. 1913 (as Perry Day) be and the same is hereby appointed a holiday. . . .

Of privateers sent out from Rhode Island during the War of 1812 the most famous was the "Yankee," of Bristol, James DeWolf, owner. The "Yankee" made six cruises in three years. On the second cruise the "Yankee" fought four battles, crossed the Equator six times and returned safely to port without losing a man after being absent 146 days. In her career as a privateer the "Yankee" captured British property valued at \$5,000,000, and sent into Bristol a profit of \$1,000,000. Captain James DeWolf, of Bristol, owner, was the antithesis of the Rhode Islanders of his day in attitude toward the war. As a shipowner he had felt the burden of British interference with American commerce. Within two weeks after the declaration of war he had fitted out the "Yankee" and asked for a commission. Other Rhode Island privateers, none so successful as the "Yankee," inflicted heavy losses upon British commerce.

**THE MEXICAN WAR**—The Rhode Island General Assembly had been guardedly apathetic with reference to President Madison's war policy in 1812-1815; it was unreservedly hostile to the Mexican War. As early as January, 1845, the proposed annexation of Texas was condemned in resolutions which opened with a declaration that the "government of the United States is a government of limited powers," and continued:

That the limited government of the United States possesses no power to extend its jurisdiction over any foreign nation, and no foreign nation, country or people can be admitted into this union but by the sovereign will and act of the free people of all and each of these United States; and, therefore, in the opinion of this General Assembly, the annexation of Texas to this union, either by treaty negotiated by the President of the United States or by joint resolution of the Congress of the United States, would be a violation of the Constitution, manifestly tending to destroy the peace and prosperity of the country and defeat the objects of the union; that the state of Rhode Island, faithful to the Constitution, cannot consent to, but does most solemnly protest against the annexation of Texas or any other foreign state or territory to this union, unless the same shall be accomplished by an independent expression of the sovereign will of the free people of all and each of these United States.

The resolutions instructed the Senators and Representatives of Rhode Island in Congress to exert themselves to defeat annexation, and ordered copies of the resolutions sent to them and to the Governors of the several states. A year later, in resolution that quoted Thomas Jefferson and Andrew Jackson, then as now revered by Democrats as founders of their party, as favoring the American protective tariff policy, the Assembly urged Congress not to revise the tariff of 1842. In resolutions adopted in January, 1847, the Assembly combined the tariff, slavery, the annexation of Texas, and the Mexican War as subjects; the resolutions succinctly stated the extreme New England view of the period. Opening with praise of the tariff of 1842, the resolutions continued: "That the repeal of the said tariff at the late session of

Congress, after the fullest experience of its beneficial operation, when the government had involved itself in an unnecessary and most expensive contest with Mexico, was highly inexpedient and unjust, and manifested a disregard for the pressing necessities of the government and the credit of the country, no less criminal and unwise than the blow intended to be inflicted by it on our most essential interests." The resolutions urged reconsideration and reënactment of the tariff of 1842; condemned the substitution of sub-treasury collection agencies for the banks as receivers of the impost revenues, and continued:

That while we yield to no state in the union in our condemnation of the system of slavery, which the errors of past ages have transmitted to us, and will cheerfully coöperate in any just and constitutional measures to terminate it, we are not insensible to the difficulties of the position of our southern brethren, nor disinclined to fulfill in its true spirit every obligation and duty imposed upon us by the terms of our compact as embodied in the Constitution of the United States. But, submitting ourselves implicitly to the requirements of that instrument, we insist upon a like compliance by other parties to said compact with all its material stipulations, express or implied. We protest, therefore, against the acquisition of territory, by conquest or otherwise, beyond the present limits of the United States for the purpose of establishing therein slave-holding states, as deranging the balance of political power once so happily established between our confederated communities, and as manifestly in violation of the spirit and intent of our Constitution. We protest against the introduction of slaves, upon any terms, into any territory of the United States, whether of old or of recent acquisition, where slavery does not exist, or has not immemorially existed, and we hold that, so far from aiming to extend an institution like slavery over a wider territory than is now pervaded by it, it is clearly the interest, no less than the duty of slaveholding states, to circumscribe its spread within their own limits and to provide if possible the means of the gradual extinguishment wherever public sentiment will permit it. That while we acknowledge with just pride the gallant conduct of Generals Taylor and Worth and the forces under their command in storming the formidable redoubts and fortified streets of Monterey, and hail in the operations of our navy at Tabasco the new glory that illuminates a cherished Rhode Island name, we cannot but lament the waste of treasure and life which has hitherto attended a contest waged to no valuable end, which, with ordinary discretion on the part of our executive, might have been avoided with honor and consistently with a firm determination to vindicate by all constitutional means our national claims and rights.

The resolutions instructed Rhode Island's Senators and Representatives in Congress to press for "frank and equitable overtures of peace."

At the same session the Assembly appropriated \$2500 for expenditure by the Governor in promoting the enlistment of "such volunteers as may offer" for the United States army in the Mexican War, and for boarding them for not exceeding three months until mustered into the service of the United States. In May the Assembly adopted resolutions of regret on the death of Major John R. Vinton, Third United States Artillery, who was killed at Vera Cruz, and appointed a committee to arrange for his burial in Rhode Island. The Assembly was not dazzled by the brilliant military conquest of Mexico, nor swerved from the opposition to the war which it had manifested as early as 1845, by the temptation to enrich the United States by acquisition of further territory; in January, 1848, almost on the eve of the negotiation of the treaty of Guadalupe Hidalgo, it adopted resolutions reaffirming its faith that the war was unnecessary. Asserting that its opinion that the war could be avoided had been strengthened by the course of events; and that the President's order to advance to the eastern bank of the Rio Grande had been "useless and unconstitutional" and so manifestly an usurpation of authority to declare war resting in Congress as to warrant impeachment; and that the claims of the United States not only did not justify war but could have been adjusted by diplomacy; the resolutions declared that the conquest and occupation of Mexico were "dangerous and unprecedented measures subversive of our government and free institutions," and that the increase of the size of the army warranted the belief that Congress had taken sides with the President. The treaty with Mexico was ratified by the Senate on March 10.



PLATE PRESENTED TO M. G. PERRY



COMMODORE MATTHEW G. PERRY, WHO "OPENED" JAPAN



CAREER OF MATTHEW C. PERRY—There were not in Rhode Island many enlistments of "such volunteers as may offer" for the Mexican War, but many Rhode Islanders participated in the war as members of the regular establishments of army and navy, including him who at Tabasco achieved "the new glory that illuminates a cherished Rhode Island name"—Matthew Calbraith Perry, brother of the hero of Lake Erie. Born at Newport, April 10, 1794, Matthew Calbraith Perry, when less than fifteen years of age, was appointed as midshipman in the United States Navy. At that time, and until the establishment of the United States Naval Academy at Annapolis, appointment as midshipman was equivalent to enrollment as a cadet, youthful midshipmen, usually mere boys, as was Matthew Perry, being treated on shipboard as junior officers. Matthew Perry's father, Christopher Raymond Perry, and his two elder brothers were already naval officers in 1809. Midshipman Perry was assigned the schooner "Revenge," then commanded by his eldest brother, Oliver Hazard Perry, and part of the squadron of Commodore John Rodgers. To Commodore Rodgers, Matthew Perry owed much of the naval training that won for him honor and reputation later in life; Matthew Perry was transferred in 1810 to the "President," frigate, the flagship of the Commodore. Midshipman Perry participated in the naval skirmish between the "President" and the "Little Belt," British ship-of-war, an incident that precipitated the declaration of war in 1812. In an engagement between the "President" and the "Belvidera," June 21, 1812, the first sea fight of the War of 1812, Midshipman Perry was wounded when a cannon exploded on the "President." On recommendation of Commodore Rodgers, Perry was promoted to be Lieutenant, on February 27, 1813, being then only eighteen years of age. He served on the "United States," frigate, Captain Decatur, but saw no further active fighting during the war.

In the interval between the war of 1812 and the Mexican War Lieutenant Perry was engaged in various and significant services as a naval officer. Assigned to the "Cyane," the convoy for the first ship carrying American negroes as colonists of a new republic in Africa, he made a special study of the causes of diseases common amongst sailors. He recommended rations including fresh vegetables as a preventive of scurvy. On a subsequent voyage to Africa he selected the site for the first American settlement in Liberia. He pursued a vigorous and effective policy in suppressing the African slave trade, and in driving pirates from the seas. He was executive officer on the "North Carolina" under Commodore Rodgers, when the latter in 1825 led an American squadron through the Mediterranean Sea on a voyage intended to protect American commerce by displaying the strength of the navy.

Promoted to be Commander, he sailed the ship "Concord" to Russia, carrying John Randolph, American envoy, on a special mission to the court of the Czar. So much impressed was Czar Nicholas with the American naval officer that he invited Commander Perry to join the Russian navy. Commander Perry set up on board the Concord a school for officers. His interest in education was continued throughout his life. It had a strong influence ultimately upon the American navy. He was instrumental in organizing the naval apprentice system and training schools for sailors, and he was one of the prominent naval officers on whose recommendation the Naval Academy at Annapolis was established. He was keenly interested in the welfare of American sailors, as well as officers. While maintaining splendid discipline on his ship, he was able to reduce appreciably the number of floggings. Convinced that strong drink was the primary cause for many offences that must, under the naval code, be punished by flogging, he advocated abolition of the grog ration, at least for sailors under twenty-one years of age. He was also sternly opposed to dueling, and succeeded in banishing it from the navy.

Commander Perry was assigned in 1833 to the Brooklyn Navy Yard. There he was instrumental in establishing a library and a lyceum. Promoted to be Captain in 1837, he was later assigned to command the "Fulton," the first American steam warship. His careful study of steam navigation, resulting in recommendations that led to significant changes in the

construction of ships and in the development of effective types of marine engines, won him the title of "Father of the American steam navy." Incidentally he revived use of the ram, a weapon of naval offence familiar to the ancient world, but abandoned when man-oar power gave place to wind-sail power. The ram was an important weapon in the recent World War in repelling submarine attacks. In 1839 he was assigned to the duty of conducting experiments with shells and hollow shot. The artillery testing station at Sandy Hook, developed into an artillery training station as well, was established by Captain Perry.

In the Mexican War, as Commodore, Matthew Perry commanded in the Gulf of Mexico the largest and most powerful fleet of war vessels ever assembled up to that time under the American flag. While second in command to Commodore Conner, Commodore Perry was sent up the Tabasco River in pursuit of a Mexican flotilla. He defeated the Mexicans and captured all their boats, though his own vessels of heavy draught were endangered by mud and shoals in the shallow water. The fleet was next assigned to cover the landing of General Scott's army for the attack on Vera Cruz, and to participate in besieging the city. While the fleet lay in front of Vera Cruz Commodore Conner returned to the United States because of ill-health, and Commodore Perry assumed command. The fleet assisted in the bombardment of Vera Cruz, and when General Scott realized that his own army artillery was not strong enough to destroy the walls of the city he asked Commodore Perry to loan him heavy guns from the fleet. Perry's answer was "Certainly, General, you may have the guns; but I must fight them." Perry landed three sixty-eight pound shell guns and three thirty-two pound solid shot guns, with officers and sailors from the fleet to man them. The naval contingent was assigned in relays, and to allay jealousy, lots were drawn to establish the order of assignment. The naval batteries were protected by piles of sand bags; in two days the heavy and accurate bombardment silenced the Mexican batteries in Vera Cruz. A parley ended in unconditional surrender. The naval gunners at Vera Cruz had achieved a reputation for accuracy and effectiveness at artillery fire at Vera Cruz that became worldwide; they had been trained previous to the war by Perry while he was in charge of gun testing and artillery practice near Sandy Hook, New York.

After the surrender of Vera Cruz Commodore Perry and General Scott undertook joint operations against Alvarado for the purpose of capturing horses, sending a brigade from the army and two vessels from the fleet to surround the town. A zealous lieutenant, Charles G. Hunter, commanding the "Scourge," a small steamer armed with one cannon, upset the plan by reaching and capturing the town before the brigade arrived to cut off the escape of the Mexican cavalry. Lieutenant Hunter was court-martialed and sentenced to be reprimanded for capturing Alvarado, when he had been ordered only to "surround" the place. At Tuspan, the entrance to which was dangerous because of a sandbar, Commodore Perry transferred his flag to a small steamer, the "Spitfire," and led a squadron towing boats laden with landing parties up the river. Three forts were silenced in turn by cannon shots from the "Spitfire." In the movement against Tabasco Perry's fleet was stopped on the river by an obstruction, and Perry landed a force of sailors and marines, which he led against the town. While he was on the march the obstruction was removed and the fleet preceded its commander. Tabasco surrendered without resistance and Perry found the American flag flying when he reached the town. While in service during the war Perry was stricken with yellow fever, and the crew of his flagship, then the "Mississippi," was so afflicted that the vessel was ordered to Pensacola. Perry refused to retire; he transferred his flag to the "Germantown," and remained with the fleet. American marines from the fleet were with General Scott on the march through Mexico, participated in the battle at Chapultepec, and were first to enter the city of Mexico when the city surrendered.

PERRY OPENS JAPAN—Commodore Perry's greatest service was in the interest of peace. As commander of the "Mississippi," frigate, he was sent, in 1852, to the coast of Halifax, where, because of a dispute over the fisheries between American and Canadian fishermen, British cruisers had seized seven American vessels. Largely because of Perry's diplomacy the dispute was adjusted, and a reciprocity treaty with Canada was negotiated. In 1853 Commodore Perry was assigned to command a squadron in the Pacific, with instructions to make a demonstration in the waters of Japan, which had been accused of inhospitality to Americans. The whale fisheries of the North Pacific Ocean had drawn thither a large contingent of American ships and sailors. In the days before petroleum had been discovered, and before gas and electricity had superseded the lamp for purposes of illumination, whale oil was almost indispensable. It was estimated in 1850 that \$17,000,000 of American capital was invested in the Pacific whaling industry, and that 10,000 American citizens were employed as sailors and in other capacities. No less than 86 American whaling ships were counted as passing Matsumae in a single year. Japan at that time was a country practically unknown to any but its citizens, because of rigid enforcement of laws excluding foreigners. It is true that American ships occasionally visited Japan to return shipwrecked Japanese to their homes, and that the Japanese likewise sent shipwrecked Americans to Batavia on their journey homeward. American statesmen wished to establish international relations with Japan on a more friendly basis, with the ultimate purpose of opening up trade between the United States and Japan. Several early attempts to negotiate with Japan had resulted in little progress. In January, 1853, Commodore Perry was appointed to command a naval expedition to Japan, with the object of negotiating a treaty. His squadron, comprising the "Mississippi," "Susquehanna" and "Powhatan," frigates; "Macedonian," corvette; "Plymouth," "Saratoga" and "Vandalia," sloops-of-war; and "Supply," "Southampton" and "Lexington," store ships, anchored in front of Uraga, in the bay of Jeddo, Japan, on July 8, 1853. Perry assumed toward the Japanese a dignity and exclusiveness that equalled their own, refusing to permit any but government officers of high rank to approach his vessels, and dealing with these, from the seclusion of his cabin, through his officers. Eventually he entrusted to a group of high-caste Japanese a letter addressed by the President to the Mikado, and withdrew from Japanese waters for three months to permit consideration and the preparation of a reply. On his return to Japan, he moved nearer to Tokio, and on March 31, 1854, signed a treaty with the Japanese. Under the treaty two Japanese ports were opened to American vessels seeking supplies, and the Japanese agreed to aid American sailors wrecked upon the coast, to allow Americans to visit certain parts of the islands, and to receive American consuls. This was the first treaty made by Japan with any nation, and had the effect eventually of introducing Japan to the family of nations. Commodore Perry published a three-volume report on the expedition.

The General Assembly of Rhode Island, on February 25, 1855, adopted resolutions authorizing the presentation of a suitable memorial to Commodore Perry. The memorial consisted of a solid silver salver weighing 319 ounces, inscribed as follows: "Presented to Commodore Matthew Calbraith Perry, in the name of the people of the State of Rhode Island by their General Assembly, in testimony of their appreciation of his services to his country in negotiating a treaty of amity and commerce with Japan; and in acknowledgment of the honor he has conferred upon his native state in ever maintaining the renown of the name he bears and adding to the triumphs of his profession those of humanity and peace." Commodore Perry died at New York, March 4, 1858. On October 2, 1868, a bronze statue of Commodore Perry was unveiled in Touro Park, at Newport.

Japan erected a monument to Commodore Perry at Kurihama, in 1901. The Japanese Minister of Justice wrote: "Commodore Perry's visit was, in a word, the turn of the key

which opened the doors of the Japanese Empire, an event which paved the way for and accelerated an introduction of a new order of things; an event that enabled the country to enter upon the unprecedented era in national prosperity in which we now live. Japan has not forgotten, nor will she ever forget, that next to her reigning and most beloved sovereign, whose rare virtue and great wisdom is above all praise, she owes her present prosperity to the United States of America. After a lapse of forty-eight years the people of Japan have come to entertain but an uncertain memory of Kurihama, and yet it was there that Commodore Perry first trod on the soil of Japan, and for the first time awoke the country from three centuries of slumberous seclusion, and there first gleamed the rays of her new era of progress."

An American appreciation of Perry, from the pen of Josephus Daniels, Secretary of the Navy, follows:

The early services of Matthew Calbraith Perry foreshadowed his illustrious career. He was entrusted with the delicate mission to Japan because he had shown constructive statesmanship as a naval officer. He was privileged to choose the location for the first black settlement in Liberia. He is called "The Father of the Steam Navy." He revived the use of the ram in naval warfare. He founded the naval apprentice system. He was active in suppressing the slave trade on the Guinea Coast. He adjusted the Canadian fisheries dispute in 1852. He helped greatly in removing duelling, grogging and flogging from the navy. In 1847 he commanded the largest squadron which up to that time had ever been assembled under the Stars and Stripes. It was the first American fleet governed without a lash, flogging having been abolished by Secretary Graham. It was that fleet which decided the day at Vera Cruz and started General Scott on his victorious way to the City of Mexico. The triumph of Perry upon which his fame chiefly rests was the opening of Japan to the world, one of the most important events in our history. The story of Perry's voyage to Japan has all the glamour of the stories of the orient, and is fascinating beyond the imagination of the most fertile novelist. Armed with a letter from the President of the United States to his Imperial Majesty the Emperor of Japan, saluted as a "Great and Good Friend," Commodore Perry made a thorough study of Japan and the Japanese character before starting on his epoch-making voyage. He carried as presents specimens of the products of the farm and factory which he thought by their novelty and usefulness would interest the people of Japan. A miniature locomotive, with tracks and rails to be laid down, one mile of telegraph line with Morse instruments, photo-cameras, printing presses, puzzles and toys, some of the newest things in America, were in the cargo. The story of his wisdom, his patience, his consummate diplomacy, going into weeks and months and years, the employment of every art that statesmanship and strategy could invent, is as thrilling today as when it was first told. He had gone to Japan with a friendly key to open the door for the furtherance of trade, the protection of life, and to obtain a treaty with a power destined to occupy a large place in the world. Hurrying nothing, observing every ceremony that would appeal to those he would win as friends, Perry's success marked him as a diplomat of the first water. . . . Does not the achievement of Perry class him with the great men "as a natural luminary shining by the gift of heaven, in whose radiance all souls feel it is well with them?" It is to the glory of America that, though Perry had a powerful fleet and could have enforced the treaty by persuasion of big guns, there was never even a thought of conquest or of obtaining any advantage over the people of Japan. Our friendship was disinterested, our methods were those of diplomacy, and our policy was far removed from the thoughts of those nations which seek to dominate other people and bring them under their sway.



## CHAPTER XVIII.

### THE SECOND REVOLUTION IN RHODE ISLAND.



HE Rhode Island General Assembly, during the colonial period, (1) authorized proxy voting to relieve freemen of the journey to Newport at each election; (2) delegated to towns its own function under the Charter of admitting freemen; (3) prescribed a property qualification for the admission of freemen to suffrage, and, from time to time, modified, by increasing or decreasing the amount thereof, the property qualification; (4) resolved itself into a bicameral legislature by separation of Assistants and Deputies; (5) assumed the jurisdiction of a court of chancery or equity; (6) asserted and sustained its own exclusive authority as a lawmaking body by disregarding attempted veto of laws by the Governor; (7) dealt with the problem of adjusting representation in the General Assembly to population by dividing towns and creating new constituencies for electing Deputies; (8) sustained a decision of the Superior Court that English statutes were in force in Rhode Island only by enactment of the General Assembly, and selected certain English statutes for enactment; (9) maintained Rhode Island's exclusive right to control the colony militia both in peace and war; (10) administered summary punishment for alleged contempt, thus enforcing respect for the dignity that it assumed as the government of Rhode Island; (11) denied, and was sustained in its contention, that the crown had power to veto or suspend a Rhode Island statute; (12) enforced the colony laws, and sustained the Governor in enforcing such laws, against civil, military and naval officers of the crown while within the territory of Rhode Island; (13) entertained appeals from courts of justice created by itself and reversed the decisions of such courts. In the exercise in these instances and others of what might be styled a "constitutional prerogative" the General Assembly was in part exemplifying the American genius for creating political machinery or extending fundamental law by devices to adapt it for practical operation, and in part asserting, by practice and precedent, that the General Assembly itself was the repository of sovereignty. Such it was unquestionably, as a matter of law, under the Charter; in the colonial period there appears to have been never a doubt that the General Assembly was sovereign in fact; the Governor, on occasion, disclaimed legal authority to act without direction from the General Assembly. Yet the General Assembly (1) frequently cited, in resolutions and statutes, the Charter as the source of its extraordinary powers; (2) remained closely in contact with the people and responsive to the wishes of their constituents by reason of semi-annual elections of Deputies; and (3) in the instances of significant questions involving policies of major importance, had recourse to a modified type of popular referendum, by continuing matters over the recess between sessions, in order that the Deputies might seek instructions in town meetings. Thus Rhode Island colonial history furnished a unique demonstration of democracy made effective and efficient by certain location of sovereignty, and popular by frequent consulting of the people's wishes. The General Assembly considered itself the "organ of the people"; the exact words were used in a resolution in 1796 sustaining President Washington in reference to Jay's treaty with Great Britain.

**THE OMNIPOTENT GENERAL ASSEMBLY**—With the approach of the Revolution the General Assembly continued to exercise the "constitutional prerogative" in the assumption of further extraordinary powers; thus it (1) suspended the Governor-elect by refusing to permit him to take the oath of office, 1775; (2) deposed the Governor-elect by declaring his office vacant and recognizing the Deputy Governor as Governor, 1775; (3) refused to permit appeals

from the courts of Rhode Island to the courts of England, by repealing the statutory procedure for taking appeals, 1775; (4) raised an army and equipped naval vessels for defence of Rhode Island, 1775; (5) enacted a statute prescribing penalties as punishment for "traitors" who supplied the "ministerial army or navy" with provisions or acted as pilots, 1775; (6) declared the independence of Rhode Island, May 4, 1776, by renouncing allegiance to the King of England and repealing a statute guaranteeing and facilitating enforcement of English statutes in Rhode Island; (7) confirmed its own Declaration of Independence by agreement to adhere to it, June, 1776; (8) ratified the Declaration of Independence by Congress, 1776; (9) changed the name of Rhode Island from "English Colony of Rhode Island and Providence Plantations" to "State of Rhode Island and Providence Plantations," July, 1776; (10) reduced the quorum of the General Assembly prescribed by the Charter, as a wartime measure to meet the exigency of British occupation of part of Rhode Island; (11) prescribed an oath of allegiance to the state, as a qualification for suffrage, holding office and jury duty; (12) entered the Confederation and Perpetual Union for achieving and maintaining independence by force of arms, 1778; (13) submitted the ratification of the Constitution of the United States to popular referendum, 1787; (14) called a convention for ratifying or rejecting the Constitution of the United States, 1790. In the paper money case, *Trevett vs. Weeden*, the General Assembly asserted its own right, in the absence of a bill of rights, to determine at discretion the extent of the legislative power, untrammeled by constitutional limitations, and called to account the justices of the Superior Court, who, by sustaining a plea in abatement, had refused to enforce a statute.

Did the Charter bind the General Assembly, or had the General Assembly become, after a successful revolution, omnipotent? What were the status and force of a royal Charter granted by the King in 1663, after Rhode Island had renounced allegiance in 1776 and had been recognized as independent in 1783? These questions were in issue when, in March, 1787, in the midst of the paper money controversy, a bill was introduced in the General Assembly providing that each town in the state should send two Deputies to the General Assembly. The effect of the bill would be to reduce the representation of Newport, Portsmouth, Providence and Warwick, and the strength of the party in the General Assembly opposed to paper money. In early colonial days, in the instance of Westerly, which sent four Deputies to the General Assembly, the delegation was not seated, and the town was instructed to choose two, the number prescribed by the Charter for towns incorporated after 1663. The proposition for equal representation in 1787 was referred to the town meetings for discussion and instruction to their deputies. In Providence a committee consisting of David Howell, Nicholas Brown, Jabez Bowen, Paul Allen and Levi Hall, to whom the bill was referred, prepared an elaborate report against the bill, urging that it was a violation both of the Charter and of right established by long practice. The report recited that the committee had "been led to inquire into the constitution or fundamental laws of this state relative to the doctrine of representation . . . . and find that in the Charter . . . . the principles of which they presume themselves authorized to consider as forming the outlines of the present constitution, saving only such as were necessarily done away by the Declaration of Independence, among other things," representation is established at "not exceeding six persons from Newport, four persons from each of the respective towns of Providence, Portsmouth and Warwick, and two persons from each other place."\* The report continued:

In virtue of this clause your committee are of opinion that the town of Providence hath a constitutional right to send four Deputies to the General Assembly of this state. Your committee also find that . . . . four deputies have been in fact chosen in this town, and have taken their seats in the legislature . . . . from the date of said Charter down to the present time, and they do not learn that it is even suggested that said grant, privilege or franchise is or ought to be forfeited either for non-user or mis-user, or for any other

\*The exact language of the charter would permit a reduction and forbid an increase in representation.

cause or pretext whatever. Your committee proceeded in the next place to inquire into the powers of the General Assembly, and of the freemen, by towns and individually, to alter the constitution of this state relative to this particular, so as to deprive this town of half the number of its Deputies. . . . And here your committee humbly apprehend that the General Assembly are restrained and limited in all their legislative acts by the constitution. They are, in fact, the creature of the constitution; they are brought into existence thereby, and empowered to act agreeably thereto for a certain term, and then sink back again into the mass of their fellow citizens; all their acts are liable to examination and scrutiny by the people—that is, by the supreme judiciary, their servants for this purpose—and those that militate with the fundamental laws or impugn the principles of the constitution are to be judiciously set aside, as void and of no effect. Here is the safety of rich and poor; here is a rampart thrown up against arbitrary power where it is most to be dreaded, as well as soonest to be expected, viz.—in the hands of a sovereign. Precarious, indeed, would be the tenure of life as well as of liberty and property held at the mere will of a popular assembly, sole judges of their own powers, of their own acts, and of the people's liberties. Six months is a short term, but it would be long enough to enable a wicked and corrupt set of rulers, not only to enrich and aggrandise themselves on the plunder and ruin of the people, but also to take eventual measures to perpetuate their power, by passing legislative acts taking out of the hands of the people every means of redress. Wherefore your committee are decidedly of opinion that the General Assembly have no power adequate to the object of this bill. The powers of the freemen in town meetings, by instruction, are to be considered in the next place. Let it be here noted that town meetings are also held under the constitution and present laws, and they are also restrained thereby. It is of dangerous tendency to let down the bars of the state and countenance town meetings in voting innovations in the constitution. It may be asked, what power the General Assembly has to throw out such a plan, by a legislative act, to the towns? The Charter gives them no such power, and if they have it, as a grant from the people, let it be shown. . . . It may be proper, in the third and last place, to consider what power the freemen at large have to alter or establish a constitution. Now, it must be acknowledged, we have arrived at the true source and origin of power. The people can make or alter these fundamental laws at their pleasure. But here it is proper to ponder and deliberate on the momentous undertaking. To effect this great object different methods have been adopted in different countries. The United States afford rare instances of the voluntary formation and adoption of free constitutions by the people. *But no instance has occurred to your committee of a constitution being formed by General Assembly of any state and sent down to the freemen of the several towns and districts to be adopted by their instructions, nor has any instance occurred of any alterations being attempted in any of their constitutions in this way.*<sup>‡</sup> . . . If a constitution is to be formed, or an alteration therein made, common prudence would suggest that the business should be committed into the hands of men specially appointed for that purpose, and who are not connected or interested particularly in the administration for the time being, or disposed to make arrangements to favor the purposes of any faction or party. Such an arduous and momentous affair should be considered and digested in a convention of the more wise, cool and independent freemen of the state, specially appointed and assembled for that purpose, before it even ought to be laid before the freemen at large for their approbation. . . . Your committee conceive that if ever any alterations should be made in the constitution of this state, they ought to originate in a state convention, appointed for that special object, and not otherwise.

The committee then urged as reasons against the reduction in representation (1) a vested right in the representation granted by the Charter; (2) the population and wealth of Newport and Providence; (3) unfairness in the demand of towns created by the original towns in forwarding a claim against the original towns; (4) that "the idea that all towns in a state, great and small, are entitled to an equal voice in the General Assembly is chimerical, and unfounded in reason and good sense, as well as against the usage and custom of all places," because "no sober man would risk his reputation for common sense on the assertion that 200 freemen ought to have the same weight in the legislative body as 400, or that £200,000 property is of the same consideration as £400,000 in point of legislation." The committee suggested, if any change were to be made, representation proportional to taxable property. Equal voting power in the Congress of the Confederation was explained by the committee as just because "the individual states are all sovereign," the committee holding that to consider the towns as sov-

<sup>‡</sup>Proposal by legislature and adoption by the people became the American method most common.

ereign "would be too extravagant to require a serious refutation." The committee expressed a hope that the General Assembly might have in mind the provision of the Articles of Confederation that no amendment could be permitted without the consent of the legislature of every state, and apply this "wise provision" to the extent that no change be made in the constitution of the state without "the consent of every town." While the committee report raised and discussed questions that have been debated in the politics of Rhode Island for nearly a century and a quarter since, for the time being the matter of principal importance was the power of the General Assembly under the constitution, or what was the constitution of Rhode Island in 1787. Had the threat to reduce the representation of Newport, Portsmouth, Providence and Warwick ripened into action, the issue might be brought to focus. As it was, the controversy was abated, yielding place to the three-year discussion of ratifying or rejecting the Constitution of the United States. The failure to press reduction of representation left the question as to what was the constitution of Rhode Island unsettled.

Rhode Island ratified the Constitution of the United States with the first ten amendments, and entered the Union without a state constitution of the single written document type that is distinctively American. The eleventh amendment, defining the "judicial power" of the United States, was ratified in March, 1794, following the decision of the Supreme Court of the United States in *Chisholm vs. Georgia*;<sup>\*</sup> the Rhode Island General Assembly might be expected to object to suits against Rhode Island by citizens of other states, in view of its strong opinions on sovereignty indicated by action. By statute in 1795 the Governor, Deputy Governor and Assistants, sitting as a chamber of the General Assembly, were named "House of Magistrates;" and the Deputies "House of Representatives." The issues as to what was the constitution and what were the powers of the General Assembly were raised again in 1796, when Providence objected to a new state valuation for tax purposes. The valuation of the state was placed at \$15,500,000; that of Providence at \$2,950,000.<sup>†</sup> The state valuation had been increased approximately fifty per cent. over that for 1782; the Providence valuation had been approximately trebled. Fifteen members of the House of Representatives protested against the valuation, including representatives from Bristol, Newport and Providence. The Providence town meeting denounced the valuation as "unjust" and "unconstitutional," and ordered the town's assessors of taxes not to assess the town's share of a tax of \$20,000 levied by the General Assembly on the basis of the new valuation. The town meeting also issued a call for a convention of towns to consider the valuation, and also the expediency of adopting a state constitution. Delegates from eight towns in Bristol and Providence counties met and organized with Daniel Mowry as chairman and James Burrill, Jr., as secretary. The convention issued two circular addresses to the towns of Rhode Island, one of which denounced the valuation as based on "conjectural calculations and selfish views"; the other circular urged the necessity for a state constitution. The town of Providence instructed its representatives in the General Assembly to move for a constitutional convention; at the October session, 1796, the General Assembly referred the motion for a constitutional convention to the free-men in town meeting for consideration and discussion, and for instructing their representatives. Providence assessed the tax in September, 1796. The fate of the proposition for a constitutional convention in the town meetings appears in the fact that no further action was taken by the General Assembly. The town meetings of the spring of 1797 thus rejected a proposition for a constitutional convention by inaction on the Providence proposition.

**THE ASSEMBLY ENACTS A BILL OF RIGHTS**—Meanwhile, in 1794, the General Assembly had appointed a committee to revise and consolidate the laws of the state. The committee was continued in 1795, and augmented in October of the same year. It reported in 1797 and the General Assembly in that year adopted as a code of laws to become operative in 1798 the

\*<sup>2</sup> Dallas 419.

†The increase probably was not unjust; Providence had been enjoying extraordinary prosperity.

"Digest of 1798," which became effective by enactment of the General Assembly, all other general laws being repealed. The Digest included (1) the King Charles Charter of 1663; (2) the Declaration of Independence by Congress; (3) Rhode Island's act of ratification; (4) the Articles of Confederation and Perpetual Union; (5) the Constitution of the United States and amendments, with the action of Rhode Island thereon; (6) Washington's Farewell Address; (7) an act enacting the digest and repealing all other laws; (8) "An act declaratory of certain rights of the people of this state"; (9) "An act relative to religious freedom and the maintenance of ministers," and (10) a series of acts embodying a code of general legislation. The "act declaratory of certain rights" enumerated rights "declared to be inherent and unquestionable" and "of paramount obligation in all legislative, judicial and executive proceedings." In the sense that it embodied a code not subject to alteration by the General Assembly the "bill of rights" might be called the first "Constitution of Rhode Island," although it might be questioned seriously if the General Assembly which itself had declared these rights inviolable did not retain the power to amend or abolish them. The act and an unprecedented statute assuring complete religious freedom follow:

AN ACT DECLARATORY OF CERTAIN RIGHTS OF THE PEOPLE OF THIS STATE.

WHEREAS the General Assembly of this state have from time to time passed sundry acts, declaratory of the rights of the people thereof: And whereas a declaration of certain rights is deemed by this Assembly to be highly proper and necessary, both for the administration of justice and the security of said rights:

Be it therefore enacted by this General Assembly, and by the authority thereof it is enacted, That the people of this state are entitled, among other important and essential rights, to the rights hereafter enumerated, and that the same are and hereby are declared to be the inherent and unquestionable rights of the people inhabiting within the limits and jurisdiction of this state: That the political axioms, or truths, herein after mentioned and declared, are, and ought to be, of paramount obligation in all legislative, judicial and executive proceedings, which shall be had or done therein, under the authority thereof.

Sec. 1. Every person within this state ought to find a certain remedy, by having recourse to the laws for all injuries and wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it, completely, and without any denial; promptly, and without delay; conformably to the laws.

Sec. 2. The right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing, as nearly as may be, the place to be searched, and the persons or things to be seized.

Sec. 3. No person shall be holden to answer a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war, or public danger. No person shall, for the same offence, be twice put in jeopardy of life or limb.

Sec. 4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

Sec. 5. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Sec. 6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favour, and to have the assistance of counsel for his defence; nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

Sec. 7. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 8. Retrospective laws, punishing offences committed before the existence of such laws, are oppressive and unjust, and ought not to be made.

Sec. 9. No man, in the courts of common law, ought to be compelled to give evidence against himself.

Sec. 10. Every man being presumed to be innocent, until he has been pronounced guilty by the law, all acts of severity that are not necessary to secure an accused person ought to be repressed.

**AN ACT RELATIVE TO RELIGIOUS FREEDOM, AND THE MAINTENANCE OF MINISTERS.**

Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His almighty power to do; that the presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions; that therefore the prescribing any citizen as unworthy the public confidence, by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow-citizens, he has a natural right; that it tends only to corrupt the principles of that religion that it is meant to encourage, by bribing with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though indeed those are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because, he being of course judge of that tendency, will make his opinions the rule of judgment, and approve or condemn the sentiment of others only as they shall square with or differ from his own; that it is time enough, for the rightful purposes of civil government, for its officers to interfere, when principles break out into overt acts against peace and good order; and, finally, that truth is great, and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous, when it is permitted freely to contradict them.

And whereas a principal object of our venerable ancestors in their migration to this country, and settlement of this state, was, as they expressed it, to hold forth a lively experiment, that a most flourishing civil state may stand, and best be maintained, with a full liberty in religious concerns:

Be it therefore enacted by the General Assembly, and by the authority thereof it is enacted, That no man shall be compelled to frequent or support any religious worship, place or ministry, whatsoever; nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

**THE DIGEST OF 1798**—The government of Rhode Island was described in detail in the Digest, beginning with the manner of admitting freemen. Admission as freeman was not a right guaranteed to the person who possessed the qualifications prescribed for eligibility; a freeman was admitted by grace of the body of freemen assembled in town meeting, the prescription of qualifications rather limiting the power of the town to admit than establishing the right to admission. In contrast with the older notion that an inhabitant might be made “free of the town” by grant of the freemen, the modern *right to political citizenship* is fundamental and was established after years of agitation. Rhode Island towns could admit as freemen only “inhabitants of their respective towns” who at the time of admission were “really and

truly possessed in their own proper right of a real estate within this state to the full value of \$134, or which shall rent for \$7 per annum, being an estate in fee-simple, fee-tail, or an estate in reversion which qualifies no other person to be a freeman, or at least an estate for a person's own life, or the eldest son of such a freeholder." A mortgagor not in possession lost the right to vote. A husband or widower might be admitted on his life estate by courtesy; but a husband could not qualify on his wife's dower. Except the eldest son of a freeholder the candidate for freemanship must be "propounded at least three months in open town meeting." Freemen who were freeholders in the town of residence might vote for town officers; freemen whose estates lay in other towns might vote only for Assistants in the General Assembly and for Governor and Lieutenant Governor. The manner of conducting the annual election town meetings on the third Wednesday in April was prescribed thus:

The moderator of each town meeting in this state shall receive all the proxy votes of the freemen, legally qualified, and no other person shall receive any proxy votes, . . . and no person shall vote for general officers, until the choice of Representatives be over, and then the freemen shall one by one, in their own proper persons, deliver the proxy votes to the moderator, who shall immediately cause the town clerk to enter and keep a fair register of the names of all persons who shall vote for general officers. And the town clerk shall, before the sealing up of the votes, carefully compare them with the list he hath taken, and return a true and exact copy of the same to the next succeeding general election; certifying also, what number of proxy votes were put in for each of the candidates for the office of Governor; and the said original list shall be lodged in the town clerk's office. . . . Every person who shall vote by proxy for general officers, shall have his name written at length on the back of his proxy vote, at the time of delivering in the same; and the names of all the officers voted for shall be in open town meeting sealed up by the town clerk, and by him delivered to an Assistant, or one of the Representatives of such town, and shall be by him delivered to the Governor, or in his absence to the Lieutenant Governor, in open Assembly, before the election proceeds.

With reference to the annual general election meeting of the General Assembly at Newport the Digest proceeded: "All business of the annual general election shall be done and transacted by the General Assembly in a grand committee, and not in separate houses." No person was eligible to sit in the General Assembly as a Representative unless he was a freeholder of the town for which he had been elected and a freeman and inhabitant of the same, except in the instance of New Shoreham, which might elect as Representative an island freeholder resident on the mainland. Representatives were elected semi-annually in April and August town meetings and each town elected "their number of Representatives as stated in the Charter." Meetings of the General Assembly were prescribed as follows: "The General Assembly shall be holden yearly, and every year, at Newport, on the first Wednesday of May; there shall be one other annual session, holden alternately at Providence and South Kingstown, on the last Monday of October; the adjournments from the said sessions, respectively, shall be holden at East Greenwich, Bristol, or such other town as the General Assembly shall deem most convenient for the people, and shall from time to time prescribe in their acts of adjournment."

The Digest declared that the Governor, Lieutenant Governor, and Assistants should sit apart and be called the "Senate"; and that the meeting of Representatives should be called the "House of Representatives." Actually four names had been changed, thus: "Deputy Governor" to "Lieutenant Governor"; "House of Magistrates" to "Senate"; "Deputy" to "Representative"; and "House of Deputies" to "House of Representatives." The changes from the Charter designations conformed to the terminology in the Constitution of the United States except in the retention of the term, "Assistant." The Assistants were first called "Senators" in 1799. The system of courts included a Supreme Judicial Court, consisting of a chief justice and four associates, three to constitute a quorum, elected annually in May by the General Assembly in grand committee, and subject to removal for "misbehavior or inability to discharge their respective duties through sickness or other infirmity"; a court of com-

mon pleas for each county, consisting in each instance of a chief justice and four associates, three to be a quorum; and courts of general sessions of the peace held by the justices of the peace of the several counties. In general the courts of common pleas exercised civil, and the courts of general sessions exercised criminal jurisdiction. The justices of the county courts of common pleas were justices of the peace in their counties. Town councils exercised probate jurisdiction. Jurymen were drawn by lot.

Among other laws of a general nature, including a criminal code, the Digest quieted titles established by ancient grant or usage, and uncontested possession; fixed twenty years as the period for acquiring title by undisturbed possession, and six years as the period of limitation in most actions at law; forbade interest in excess of six per cent. as usury; forbade slavery and the slave trade; named six causes for divorce; and provided for inspection of certain standard commodities and packages. Intestate descent was in equal shares to all children; the Digest reenacted the statute of 1792, which repealed the statute of 1770, giving the eldest son a double share. The militia law required the enrollment of all able-bodied men of military age, except those who were members of independent military companies, a large number of which had been chartered.<sup>‡</sup> The popularity of independent military companies lay partly in the ambition for military office not assured of gratification in the state militia, and partly in the choice of training days. In the exercise of its assumed "constitutional prerogative" the General Assembly, through the Digest had (1) established and ordained a bill of rights; (2) amplified the Charter declaration of religious liberty and freedom of worship; (3) distinguished the suffrage rights of freemen in town and in state elections; (4) fixed the ratio of representation by reference to the Charter; (5) changed the titles of public officers named in the Charter; (6) and established a separate judiciary.

**THE CONSTITUTIONAL MOVEMENT**—Reviewing the constitutional movement in Rhode Island to the end of the eighteenth century: The General Assembly, both before and after the Revolution, had exercised a sovereign "constitutional prerogative" in such manner as to adapt a seventeenth century corporation charter to the changing needs of a developing democracy. The patent inconsistency of continuing government after 1776 under a charter granted by the ancestor of a King allegiance to whom had been repudiated led, in 1777, to the appointment of a legislative committee to consider changes; the committee did not report. The Providence town meeting of 1787, protesting a proposed reduction of the town's representation in the Assembly, had declared that the Charter plan for representation was binding upon the Assembly until such time as a convention of freemen should authorize an amendment or draft a new constitution. The Assembly, in 1793, postponed consideration of a petition for a constitutional convention; the postponement, without further action, was tantamount to rejection. Protesting a state tax valuation in 1796, the Providence town meeting urged the need for a constitution that would limit the powers of the General Assembly. The Assembly referred a request for a constitutional convention to a town meeting referendum for instruction of Representatives, and the movement failed, for want of interest on the part of the freemen, if for no other reason.

The Providence Fourth of July Oration, 1797, delivered by George R. Burrill, was essentially a plea for a constitution. "Something better than a void, or at most an imaginary, constitution was to have been expected for the State of Rhode Island," the speaker declared. "We inhabit a crazy and comfortless mansion, shaken by the winds and pervaded by the storms. The materials are amid us for a stable, commodious and magnificent edifice. . . . The foundation is laid in the independence of our country; let the superstructure, the constitution . . . be raised and fixed upon it. The small extent of territory in the state will render unnecessary that complexity which is found in the constitutions of most states." The

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<sup>‡</sup>Chapter XVII.

speaker condemned as unjust a system that permitted a minority of freemen to elect a majority of Representatives, and declared that Rhode Island needed a constitution to curtail the authority assumed by the three agencies of government—assembly, executive and judiciary. In 1799 the House of Representatives rejected John Smith's motion for a convention consisting of one delegate for each 1000 inhabitants.

And thus the century closed with the Bill of Rights in the Digest of Laws of 1798 as the only body of fundamental law "of paramount obligation in all legislative, judicial and executive proceedings." There had been no concerted and sustained effort to obtain a constitution; indeed, only two flashes of discontent that passed quickly, and besides these only "academic" discussion. To the latter might be added the letter in which Henry Wheaton, in 1808, urged the adoption of a constitution. Wheaton was one of Rhode Island's most distinguished sons. Graduate of the University, he had become Reporter of the Decisions of the Supreme Court of the United States, American Minister to Denmark and to Prussia, and was author of a treatise on International Law that was standard as an exposition of the American view of the rights of nations at sea, including the American doctrines respecting neutral commerce, which eventually were accepted by the family of civilized nations. The Wheaton tradition at Brown University emphasized the study there of jurisprudence, political science and international law, and gave Brown the unique distinction of having graduated four American Secretaries of State—William Learned Marcy of Franklin Pierce's Cabinet, Richard Olney of Grover Cleveland's Cabinet, John Hay of William McKinley's and Theodore Roosevelt's Cabinets, and Charles Evans Hughes of Warren G. Harding's and Calvin Coolidge's Cabinets.

The Providence town meetings of 1787 and 1796 had protested the omnipotence of the General Assembly, assumed in (1) the threat to reduce the town's representation, and (2) the arbitrary state tax valuation. George R. Burrill had suggested inequitable representation as a cause for complaint. After the division of Gloucester and the incorporation of Burrillville in 1806, the House of Representatives consisted of seventy-two members. On the basis of the census of 1810, seventeen of thirty-one towns, with 23,782 inhabitants, less than one-third of the total population, 77,031, could elect thirty-six representatives; but these towns, including two of Bristol County, two of Kent County, five of Newport County, four of Providence County, and four of Washington County, were altogether too incongruous a group to assume political solidarity. By counties the population and representation were: Bristol County, 5072, six Representatives; Kent County, 9384, ten Representatives; Newport County, 16,294, eighteen Representatives; Providence County, 30,869, twenty-two Representatives; Washington County, 14,962, fourteen Representatives. Assuming eleven hundred as the unit of representation,\* Bristol, Kent and Newport counties were favored in the actual apportionment, and Providence County suffered. It has never been demonstrated, however, that apportionment exactly on the basis of population assures justice; an apportionment that neglects economic interest and environment is scarcely scientific.† A north-south division of the state on parallel  $41^{\circ} 40'$  placed 42,140 inhabitants with thirty-four Representatives north of the line; that is, Providence and Bristol counties and two towns in Kent County. A combination of ten commercial and industrial towns, 38,724 of 77,031 inhabitants, elected twenty-eight of seventy-two Representatives. In the discussion of representation it should be noted that one house of the General Assembly—the Senate—was elected at large, on general ticket, and that in the election of Senators numbers counted. The situation in 1810 might be summarized thus: The Senate was elected without apportionment or districting, every freeman's vote counting for the same value, wherever cast; representation in the House departed somewhat from apportionment on the basis of equal representation. Of injustice there was little complaint, and inequality of representation was not sufficient in 1810 to create a major political

\*Seventy-two Representatives for 77,031 gives 1070.

†See "Disquisition on the Constitution of the United States," John C. Calhoun, for a splendid exposition of the theory of apportionment.

issue. Suffrage, primarily, and representation, secondarily, eventually became the dominating issues in the constitutional movement. Suggestion of the significance of suffrage as an issue appeared as early as 1811 in the complaint in that year that Providence was propounding and creating freemen voters at an extraordinary rate, sufficient, it was alleged, to affect the state election.

**THE PROPERTY QUALIFICATION NOT CONSTITUTIONAL BUT LEGAL**—Before proceeding to trace the development of the suffrage movement it should be pointed out that the rather common belief that the Charter established a property qualification for suffrage is erroneous. The Charter created a self-perpetuating corporation, with power in the members named therein and their successors “to choose, nominate and appoint such and so many other persons as they shall think fit and shall be willing to accept the same to be free of the said company and body politic, and them into the same to admit.” The Assembly prescribed a property qualification in 1665 as a minimum requirement for eligibility to admission as freeman. It lay within the power of the General Assembly at any time previous to the adoption of the Constitution of 1842 to repeal the property qualification by law. Had suffrage been so dominant an issue in the period of close contests between Federalists and Republicans following the War of 1812 as to warrant making it a partisan political question, either party in a year in which it controlled the General Assembly could have abolished the property qualification altogether or have set up another qualification. Neither party for the time being wished to modify suffrage. Although the question was brought before the Assembly occasionally, suffrage was not an issue in the earlier constitutional conventions. The Senate, in 1811, passed a bill granting a right to vote for general officers and Representatives to all male adults who paid either poll or property tax or who served in the militia; the bill was indefinitely postponed in the House of Representatives after discussion. The “Providence Phenix,” Republican, accused the Federalists of opposing the bill; an analysis of the vote on indefinite postponement shows that little more than half the Republican members voted no, the full strength of the Federalists being for postponement. A similar measure, presented in June, 1818, was postponed to the next session; and, in October, the Assembly appointed a committee to report on the expediency of amending the law regulating the admission of freemen.

**MOVEMENT TO OBTAIN A CONSTITUTION**—In February, 1819, a bill requesting a referendum on the question of the expediency of holding a constitutional convention was referred to a committee, and, in the following year, the question was discussed thoroughly. Curiously, three newspapers in Providence, two Republican and one Federalist, unitedly, advocated a convention. The new “Manufacturers’ and Farmers’ Journal and Providence and Pawtucket Advertiser,” founded in January, 1820, declared in November, 1820, that “a free people have for more than forty years submitted to a species of government, in theory, if not always in practice, as despotic as that of the Russias.” The Federalist opposition of two years before had been withdrawn, but the issue for the time being was sectional. In ten years Jamestown, Middletown, Newport and Portsmouth, electing fourteen Representatives, and all of Newport County, electing twenty, had lost in population, although the state had increased eight per cent. Providence County, with forty-two per cent. of the population, elected thirty per cent. of the Representatives. Newport, once the metropolitan town, was receding in size and influence. Comparatively, Newport elected six Representatives for 7319 population, and Providence elected four for 11,767; the unit for representation was 1216 in Newport and 2942 in Providence. Governor Knight, in 1820, recommended that inhabitants who complied with the militia law be admitted to the privileges of freemen.

The Assembly, at the January session, 1821, voted to submit the question of holding a constitutional convention to a referendum at the April town election. The freemen voted no, 1905 to 1619. The issue was representation; the towns that would have gained by reappor-



*Elisha Reynolds Potter*

ELISHA REYNOLDS POTTER (1764-1835)  
of Rhode Island



tionment on the basis of the census of 1820, as a rule supported the proposition. In Providence a united press favored the convention, and only two of 600 freemen voted no. In Newport only fifty-seven of 332 voted yes. All of Newport County, all of Washington County except Hopkinton, all of Kent County except East Greenwich voted no. Bristol, Providence and six other Providence County towns voted yes. Besides indicating opposition to reapportionment that involved loss of representation, the division tended to be sectional. A year later, April, 1822, on the same question the vote was adverse, 1804 to 843. The question submitted to the freemen was: "Is it expedient that an act be passed by the General Assembly providing for the election of delegates by the freemen of the several towns in the same numbers and proportions as said towns are now represented in the General Assembly, and organizing said delegates into a convention for the purpose of forming a written constitution of government for this state, such constitution when framed to be submitted to the freemen for final decision?" Printed ballots carrying the words "yes" and "no" were supplied, the freemen voting to write their names upon their ballots. The adverse vote was ascribed to want of enthusiasm due to the failure of the preceding year.

A suggestion of the piecemeal method of changing the constitution, the practice preferred later in Rhode Island to either constitutional convention or radical wholesale amendment, appeared in a bill introduced in June, 1822, by Elisha R. Potter of South Kingstown, to increase the House of Representatives to seventy-nine members, apportioning three additional members to Providence, and one each to Bristol, Coventry, North Kingstown and South Kingstown. The Potter bill was postponed to the next session, and then apparently forgotten. Meanwhile, the general statutes had been revised and consolidated, and the new Public Laws of 1822, repealing all statutes not included, incorporated color discrimination in the law regulating admission of freemen, thus: The freemen of any town "may admit *white* persons, inhabitants," etc., if qualified. Representative Potter, in June, 1823, introduced a new bill calling a constitutional convention; it was referred to the October session.

The General Assembly, in January, 1824, directed the freemen in April town meetings to choose delegates to a constitutional convention to meet at Newport on June 21, 1824. Representation was the same as in the House of Representatives, a majority of delegates to constitute a quorum. The constitution drafted at Newport was submitted to the freemen for ratification or rejection, the Assembly providing 8000 printed ballots carrying the question: "Do you ratify the constitution framed by the delegates meeting in convention at Newport on June 21, 1824?" The freemen rejected the constitution, 3206 to 1668. The more significant changes proposed in the constitution of 1824 were: (1) Veto power for Governor, who ceased to be a member of the Senate; (2) Lieutenant Governor as presiding officer in Senate, with a vote only in case of tie; (3) a House of Representatives of seventy-three members, apportioned on the basis of population, thus: Two members for towns of less than 3000 population, three members for 3000 to 5000, four members for 5000 to 8000, five members for 8000 to 12,000, six members for 12,000 to 17,000; seven members for over 17,000. Bristol, Coventry, Warwick, North Kingstown, Smithfield and South Kingstown, three each; Newport, four; Providence, five; twenty-three towns, forty-six members; total seventy-three. The same apportionment on the census of 1830: Bristol, Coventry, Cumberland, North Providence, Scituate, North Kingstown, South Kingstown, three each; Warwick, Smithfield, four each; Newport, five; Providence, six; twenty towns, two each; total eighty members. The Senate consisted of ten members elected at large on general state ticket, with the Lieutenant Governor as presiding officer. Changes were made in the times and places of sessions of the General Assembly, but Rhode Island continued to have five capitals, viz.: Bristol, East Greenwich, Newport, Providence and South Kingstown. All towns of Kent, Newport and Washington counties voted against the constitution of 1824, as did all Providence County, except Glocester, Johnston, North Providence, Providence and Smithfield.

The three Bristol County towns voted yes. The constitution of 1824 did not change the property qualification or the method of admitting freemen, except as it excluded the eldest son of a freeholder from voting on the father's estate. Other changes than those related to representation were not sufficient to affect the vote materially. The single, dominating issue was apportionment of representation, and the answer of the freemen to the question submitted to them was decisively that they did not wish a change. Thus the matter rested for five years. In ten years from 1820 to 1830 the population of Providence increased nearly fifty per cent., of Providence County nearly thirty-three per cent., while Bristol and Washington counties lost, and Newport County remained almost stationary. Providence, 16,836, was twice as populous as Newport, 8010; and the disproportion of representation was three to one. The state valuation of 1824 placed Providence at \$9,500,000 to \$2,000,000 for Newport.

**THE SUFFRAGE ISSUE**—The suffrage issue in Rhode Island was inevitable; it was related before 1842 not so much to the freehold property qualification, for that in amount was scarcely so prohibitive as tax payment qualification elsewhere, as to the manner of acquiring suffrage by admission as freemen. The increase in population in commercial and factory towns as the economic life of the state shifted from emphasis on farming to manufacturing brought into strong relief the disproportion of freemen to inhabitants that suggested oligarchy, and furnished a fact basis for the movement for "free suffrage." That the latter assumed marked strength in 1829 was resultant in no small part, however, from the example of manhood suffrage in the new states admitted to the union, and the trend to manhood suffrage in older states. Strangely, the "Providence Herald," Jacksonian, warned Rhode Island farmers against the movement; in Providence the agitation for free suffrage was supported by leading citizens, and several large meetings were held in Providence, with other meetings elsewhere. Petitions were sent to the General Assembly in May, 1829, but rejected after reference to committee. The issue as to representation had been between freemen; the issue as to suffrage was between freemen and non-freemen. Those who enjoyed privilege and power were reluctant to yield or share it. The situation recalled the declaration in Burrill's oration on July 4, 1797, that an appeal to a vested majority is wasted. The Assembly committee to which the suffrage petitions were referred denounced "democracy," and advocated restricted suffrage. In this report the Assembly concurred by adopting a motion to give the petitioners leave to withdraw.

The suffrage movement of 1829 was short-lived; it ceased almost abruptly with the curt, decisive, adverse report of the Assembly committee, which was entirely consistent with Rhode Island traditions. From the earliest days the colony had distinguished accurately political rights from civil rights. The latter were guaranteed, in measure nowhere else equalled, to all inhabitants; the former were restricted rigorously to freemen. The tender regard for civil rights enunciated in the Digest of 1798 had not abated thirty years later, when the Assembly adopted a committee report repudiating "democracy" in the sense of government participated in by all the inhabitants. Little over a year earlier the Assembly had reiterated with emphasis the guaranty of complete religious liberty, in a statute declaring that "by the laws of this state all men are free to profess, and by argument to maintain, their opinions in matters of religion"; that "the same do not in any wise diminish, enlarge or affect their civil rights or capacities"; and that "no man's opinion, in matters of religion, his belief or disbelief, can be legally inquired into or made a subject of investigation with a view to his qualifications to hold office or give testimony, by any man or men, acting judicially or legislatively." Five years later, 1833, a committee was appointed to examine all charters theretofore granted to religious corporations to ascertain and report how far any such charter contains provisions empowering the corporation by coercive means to exact and enforce from its members taxes or contributions for the support of its religious establishment. A charter of the type would be clearly contrary to the statute on religious liberty embodied in the Digest of 1798 and

repeated in the Public Laws of 1822; the committee did not report. With reference to suffrage—"presidential" suffrage was extended in 1832 to include all persons qualified to vote for general officers, a larger group than those qualified to vote for Representatives in the General Assembly, the latter freeholders owning land in the town of residence. The freeman whose land lay in the town in which he lived could vote for all officers, town, state and federal; the freeman qualifying by owning land elsewhere than in the town in which he lived could vote for Governor, Lieutenant Governor, Senators in the General Assembly and presidential electors, but not for Representatives in Congress because not qualified to vote for Representatives in the General Assembly.<sup>†</sup>

**MAJORITY ELECTIONS**—The Assembly, in the same year, 1832, relinquished its own right under the Charter and by precedent to elect Governor, Lieutenant Governor and Senators if the annual plebiscite in April failed to return majorities; a statute ordered new elections until majorities were secured. It happened within the first year of experience under the new statute, May, 1832, to May, 1833, that four elections were conducted, each of which failed to produce a majority for Governor, Lieutenant Governor and Senators enough to organize the Senate; and the statute of 1832 was repealed in 1833. To prevent similar failure with reference to Representatives in Congress, a statute enacted in 1832 established election by plurality in a second plebiscite if the first failed to produce a majority. Two years later similar provision was made for the election of state general officers; if the general election in April failed to produce a majority of enough Senators with the Governor "or" or "and" the Lieutenant Governor to organize the Senate, a second election was ordered, in which pluralities might elect. Secretary of State, General Treasurer and Attorney General were added to the list of officers to be chosen in the general election in 1836, another concession by the General Assembly.

The Assembly was firm in maintaining the rights of freemen properly qualified, and the requirement of signed paper ballots, identifying the elector, repugnant as it appears to modern practices of secret balloting, lent itself to determination of contested elections on a fact basis. Thus the General Assembly in 1828 in the instance of an election contested because two "eldest sons" were excluded by reason of the moderator's refusal to put the motion to admit persons qualified as freemen, seated the contesting candidate whose vote of thirty-five, increased by the two excluded, would give him one more than his opponent's thirty-six. A proposed city charter for Providence was submitted to a referendum of the freemen of the town in 1830; rejected then, another referendum was conducted a year later, and the charter was adopted by the freemen.\* The procedure varied radically from the incorporation of Newport as a city in 1784 by action of the General Assembly, and the equally arbitrary repeal of the Newport city charter in 1787. Perhaps the practice of submitting questions on constitutional conventions and constitutions had been educative in developing recourse to the plebiscite from the older practice of reference to the town meetings for instruction of their Representatives. A referendum on the question of building a state prison and paying the cost from the proceeds of a state tax on ratable estate was ordered in 1834. The tax, rather than the building of the prison, was the real issue. With the acquisition of a state revenue from excises, including taxes on banks and lottery franchises, and fees and licenses of various types, so abundant that the General Treasurer was ordered in 1829 to seek a depository for the treasury surplus on the basis of a competitive offer of interest, the older practice of state-town taxes had fallen into disuse. The referendum on the tax to build a prison resembled the submission of proposed bond issues to the electors for approval or rejection in the present century and late in the nineteenth. The tax for the prison was not levied; eventually the cost of building the prison and a county jail, construction having been delayed, was paid from the "deposit

<sup>†</sup>Constitution of the United States. Article I. The Rhode Island law was changed in 1838 to permit all freemen to vote for Representatives in Assembly and Congress.

\*In 1839 a referendum on repealing the city charter was negative.

fund," money distributed to the states in Jackson's administration following the refusal to continue the charter of the Bank of the United States.

REQUESTS FOR A CONSTITUTIONAL CONVENTION—A convention of delegates "to promote the establishment of a state constitution" met in Providence, February 23, 1834. Cumberland and Smithfield had united in issuing a call for the convention. Bristol, Burrillville, Cranston, Cumberland, Johnston, Newport, North Providence, Providence, Smithfield and Warren were represented by delegates at the first meeting, and Scituate and North Kingstown sent delegates to a second meeting held on March 12. The convention adopted an address to the people of Rhode Island prepared by a committee, consisting of Thomas W. Dorr, Joseph K. Angell, David Daniels, William H. Smith and Christopher Robinson, and written principally by Dorr. The address declared (1) that "all obligation to acknowledge obedience to a British charter as a constitution of government was, of course, dissolved, and the people of each state were left free and sovereign . . . when the American states severed the political tie which formerly bound them to Great Britain"; (2) that "sovereignty . . . passed not to the Governor and Company of Rhode Island, but to the people at large who fought the battles of the Revolution, and to their descendants"; (3) that it "cannot for a moment be doubted . . . that the people of Rhode Island retain their inherent right to establish (in their original, sovereign capacity) a constitution"; (4) that the government of Rhode Island resting upon narrowly restricted suffrage is essentially "an oligarchy, or the rule of a few"; (5) that representation is unequal; (6) that "no man should be excluded from" voting "except from circumstances of unavoidable necessity"; (7) that "participation in the choice of those who make and administer laws is a natural right, which cannot be abridged nor suspended any farther than the greatest good of the greatest number imperatively requires"; (8) that the freehold qualification in Rhode Island is opposed to the spirit of the Constitution of the United States, and to the American theory and practice as exemplified in most of the states. Dorr clearly understood and stated that the freehold qualification had been established by the General Assembly and not by the Charter. His statement that Rhode Island practice varied from the "spirit" of the Constitution of the United States avoided the literal acceptance in the Constitution of the qualifications established by the several states in 1787, in the provision that electors of Representatives in Congress should have the same qualifications as those prescribed for electors of the most numerous branch of the state legislature.‡ But the attack upon the sovereignty of the General Assembly was significant, as it portended the theory on which Dorr, as the leader eventually of the suffrage party, would launch within ten years the movement in history known as Dorr's "rebellion," "insurrection," or "war." Dorr and the convention advocated (1) reapportionment of representation; (2) adult male suffrage restricted only by perhaps a small tax, a classification of native and naturalized voters, and registration; (3) an independent judiciary with competent salaries and tenure during good behavior, and (4) a convention called by the people or suspension of the freehold qualification for constitutional convention purposes, to permit "the exercise by the people of the great, original right of sovereignty in the formation of a constitution." The address, and petitions for a convention were presented to the General Assembly. The city government, mayor and council, of Providence presented a petition urging unequal representation as a reason for action. When Benjamin Hazard of Newport, author of the committee report which in 1829 had recommended dismissal of the petitions for suffrage, moved to call a convention to annul the Charter, Dorr, then a member representing Providence, moved, as a substitute, that a convention be called to draft a constitution. The Dorr motion prevailed. The convention resolution, as adopted at the June session, called a convention to meet in Providence on September 1 "for the purpose of amending the present or proposing a new constitution for the State." Towns were directed to choose delegates in number equalling their representation in the House of Representatives, a majority

‡ Article I.

to constitute a quorum. Amendments or a new constitution, as drafted, were to be submitted to the freemen for ratification. The convention did not complete its task. It met on September 1; adjourned September 13 to November 10, adjourned in November to February, and in February to June. It did not reassemble in June, 1835. If the failures up to 1835 had accomplished nothing more, they were sufficient to convince advocates of a change that little could be expected of the General Assembly or of a constitutional convention limited to freemen, or of the freemen themselves through the referendum, although Dorr in January, 1837, was willing to try again and introduced a resolution for a convention, which the House of Representatives rejected, thirty-nine to seventeen.

**LANDHOLDERS' CONVENTION**—A third constitutional convention\* was called by the General Assembly, at the January session, 1841, to meet in Providence on November 1, "to frame a new constitution for the state either in whole or in part, with full power for this purpose; and if only for a constitution in part that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives." Delegates equal in number to the town representation in the House were ordered chosen in August town meetings. In May, 1841, the basis of representation in the convention was changed to population, towns with less than 850 inhabitants to choose one delegate, towns of 850 to 3000 two delegates, towns of 3000 to 6000 three delegates, towns of 6000 to 10,000 four delegates, towns of 10,000 to 15,000 five delegates, and towns over 15,000 six delegates. The convention consisted of seventy-seven delegates, five more than in a convention equalling the House of Representatives. Delegations from Burrillville, Charlestown, Cranston, East Greenwich, Exeter, Foster, Gloucester, Hopkinton, Johnston, Little Compton, Middletown, New Shoreham, North Kingstown, Richmond, Warren, Westerly and West Greenwich remained unchanged in the new apportionment. Bristol, Coventry, Cumberland, North Providence, Scituate, South Kingstown and Tiverton gained one delegate each; Smithfield, two; and Providence, two, the city delegation being six instead of four. Warwick remained unchanged, with four delegates. Barrington and Jamestown lost one delegate each, Portsmouth and Newport, two each. By counties the changes were: Kent and Washington gained one each; Providence gained seven; Newport lost four; Bristol, unchanged. The convention met as directed on November 1, framed a constitution, adjourned to February, 1842, and amended and adopted the constitution which was known subsequently as the Landholders' Constitution. As a further concession to those who at the time† were agitating a more radical program, the General Assembly, in February, 1842, after defeating a bill to grant suffrage "to all male citizens of lawful age, natives of the United States, resident two years in the state and six months in the town," adopted a statute as follows: "Whereas the good people of this state have elected delegates to a convention to form a constitution, which constitution, if ratified by the people, will be the supreme law of the state; therefore, be it enacted by the General Assembly as follows: All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution." The suffrage qualifications stated in the Landholders' Constitution would permit (1) all qualified freemen; (2) all native white adult male citizens of the United States resident in the state one year and in the town six months, holding real estate valued at \$134; (3) all native white adult male citizens of the United States resident in the state two years and in the town six months, and (4) all naturalized white adult male citizens of the United States resident in the state three years and in the town six months to vote. The action of the General Assembly permitted these persons to vote also in the referendum on the question of ratification or rejection; 16,072 persons did vote, or approximately twice as many

\*First, 1824; second, 1834.  
†*Vide infra.*

as the largest number of voters recorded in any earlier election. On the facts of numbers, there was no doubt that the Landholders' Constitution had made provision for a generous extension of suffrage, besides abolishing the limitation of selection by the freemen in town meetings. The constitution was rejected, nevertheless, 8013 for and 8689 against. The pronounced opposition may be explained as due in very large part to those who favored a more radical program than might be expected from the freemen, including some who believed that Rhode Island, in March, 1842, when the plebiscite was taken, already had a constitution which had been adopted by the people of Rhode Island and was the supreme law of the state. There had been another convention and there was another constitution, as a result of a movement promoted by the Rhode Island Suffrage Association, in which Thomas W. Dorr was a leader.

THE DORR MOVEMENT—The Rhode Island Suffrage Association was organized late in 1840 in Providence, and within a year had spread its membership throughout the state with branches in most of the towns. The first branch society was formed at Woonsocket, probably among the group which, six years earlier, had persuaded Cumberland and Smithfield to call the town convention of 1834. Early in 1840, a pamphlet entitled an "Address to the Citizens of Rhode Island Who Are Denied the Right of Suffrage" had been circulated in Rhode Island. The pamphlet purported to have been published by the "First Social Reform Society of New York." Color is given to the possibility of a New York origin by the statement made by some contemporaries of Dorr that the suffrage movement in Rhode Island in 1840 had for its purpose eventually the election of a Democratic United States Senator from Rhode Island; on the other hand, the person or persons who wrote the pamphlet were thoroughly familiar with the situation in Rhode Island, and the views expressed therein were exactly those later used as arguments by the lawyers supporting the Dorr movement. Dorr, who had been a law student in the office of Chancellor Kent, was well known in New York, and may have acquired his interest in "the people" from his first hand acquaintance with the "anti-rent" agitation in New York against the patroon system. Dorr himself was scion of a family of freeholders, with ancestors on both sides identifying him with the Rhode Island "aristocracy," using the term with the exact connotation implied in its derivation from the Greek word for "best." Asserting that the people retained the right to construct their own constitution, and the futility of appeal for relief from those who had obtained control of the government, the pamphlet outlined a plan whereby the people, proceeding in an orderly manner and ignoring the government for the time being, might draft a constitution in convention, elect officers under its provisions, including members of Congress, and should the established government persist, lay before Congress the problem of choosing between contesting delegations, to decide which of the two governments was *the* government; or, as applied to Rhode Island, whether the government of a small group of freemen or the government originating with the majority of all the people was the "republican" government required for the state by the Constitution of the United States.

The Dorr or suffrage movement in 1840-1842 in its initial stages proceeded along the line suggested by the pamphlet. The Rhode Island Suffrage Association and its branches, generally, adopted a declaration of principles, including these: (1) "That the power of the state should be vested in the hands of the people, and that the people have a right, from time to time, to assemble together, either by themselves or their representatives, for the establishment of a republican form of government; (2) that whenever a majority of the citizens of this state, who are recognized as citizens of the United States, shall, by their delegates in convention assembled, draft a constitution, and the same shall be accepted by their constituents, it will be, to all intents and purposes, the law of the state." The suffrage movement in 1840 was non-partisan and bi-partisan, in the sense that it was promoted by neither the Whig nor the Democratic party, and that both Whigs and Democrats were enrolled as members of the suffrage association. It was not exclusively a movement of non-freemen; many distinguished

freemen participated. It had no newspaper support from the partisan political organs of the period; indeed the "Republican Herald" (Democratic) repudiated the agitation in the first instance. A weekly newspaper, the "New Age," was published first in Providence, November 20, 1840, and was adopted by the suffrage association in December, as an agency for enlightening and educating the people. The "Express," a daily edition of the "New Age," appeared in 1842.

Two petitions were presented to the General Assembly at the January session, 1841. One, published in the "New Age" as the official petition of the suffrage association urged (1) "abrogation of the Charter granted unto this state by King Charles" and "the establishment of a constitution which should more efficiently define the authority of the executive and legislative branches, and more strongly recognize the rights of the citizens," and (2) "that an extension of the suffrage to a greater portion of the white male residents of the state would be more in accordance with the spirit of our institutions than the present system of the state and for such an extension they ask." Another petition, referred to as the Dillingham petition, because the first of 581 signatures was that of Edward Dillingham, requested that the General Assembly "take the subject of the extreme inequality of the present representation from the several towns under consideration, and, in such manner as seems most practicable and just, to correct the evil complained of." The suffrage petition was laid on the table, and the Dillingham petition was referred to a committee. Whether because of, or in spite of, these petitions, out of the discussion of both at the January session came the call for the constitutional convention of 1841,\* and eventually the drafting of the Landholders' Constitution.

The suffrage movement proceeded steadily, with recourse to various activities to stimulate and maintain enthusiasm, including frequent meetings and demonstrations, and the discussion of measures that might be made effective in convincing the freemen, among them refusal to perform military or fire duty, and the organization of military companies. A parade of perhaps 3000 men in Providence on April 17, 1741, followed by a barbecue, attracted other thousands to view it. A mass meeting in Newport on election day, May 5, was preceded by a parade in which many carried firearms and other weapons. The Newport meeting adopted resolutions, including among others:

That no lapse of time can bar the sovereignty inherent in the people of this state; and that their omission to form a constitution, and their toleration of the abuses under which they have so long labored, are to be regarded as proof of their long suffering and forbearance, rather than as arguments against their power and their capacity to right themselves, whenever, in their opinion, redress from the government at present subsisting is hopeless; that the time has now fully arrived for a vigorous and concentrated effort to accomplish a thorough and permanent reform in the political institutions of this state, that a system of government under which the legislative body exercise power undefined and uncontrolled by fundamental law . . . . and makes and unmakes the people at its pleasure,† is anti-republican, and odious in its character and operations, at war with the spirit of the age, and repugnant to the feelings of every right-minded Rhode Island man, and ought to be abated; . . . . that by the great increase of population in the towns the existing apportionment has become exceedingly unequal and unjust in its operations; . . . . that at the foundation of this state . . . . a landed qualification for voters . . . . excluded only a small portion of the people from political power, but that the circumstances of the voting has the effect, contrary to the designs of those who first established it, of excluding the great majority of 16,000 to 25,000 over the age of twenty-one years from all political privileges and participation in the affairs of government; and that, though we entertain a high and becoming respect for farmers, and their just influence in the state, we are not insensible to the merits of their younger sons—of the mechanics, the merchants, the working men and others—who own no land; and that we are of opinion that the longer continuance of a landed qualification for voters is a great injustice, and is contrary to the spirit and principles of a republican government; . . . . that a continuance of the provisions of the

\**Vide supra.*

†The reference is to the Assembly's right to change the electorate by defining qualifications.

Charter relating to representation, and of the act of the legislatures requiring a freehold estate to entitle a citizen to vote for public officers, has the effect not only to vest the control of the General Assembly . . . . in less than one-third of the population, but, as the voters in this third are only a third part of the whole number of male adult citizens, the further effect also—the most odious of all—of placing the control of the Assembly and the State in one-ninth of its adult population or in other words, in the hands of less than 3000 men out of 25,000 who are over twenty-one years of age; that such a state of things is a bold and hardy defiance of all popular rights, and is a total departure from the principles advocated at the first session of the General Assembly in the year 1647, who then solemnly declared and voted that the government of this state should be a democracy; . . . . that the undoubted rights and privileges of the people . . . . can only be completely obtained and permanently insured by a written constitution . . . . and that in the exercise of this high act of sovereignty every American citizen whose actual permanent residence or home is in this state has a right to participate; . . . . that we disclaim all action with or for any political party in this great question . . . . and that we heartily invite the earnest coöperation of men of all political parties in the cause which we have at heart and which we believe to be the cause of liberty, equality and justice to all men . . . . that a committee of eleven persons be appointed by this convention to correspond with the associations of the several towns and to carry forward the cause of reform and equal rights, and to call a convention of delegates to draft a constitution at as early a date as possible.

The Newport mass convention adjourned to meet at Providence on July 5, 1841. Ten were named on the committee, nine of whom served.

In the meantime the General Assembly had modified the representation of towns in the constitutional convention ordered to meet in November, but it voted in June emphatically, fifty-two to ten, against a bill presented in May which proposed to permit all adult male inhabitants, citizens of the United States and resident in the state two years to vote, and to apportion representation in a convention of 102 delegates essentially in proportion to population. The Providence mass meeting of July 5 was preceded by a procession, not so large as that of April 17; but the gathering of people was reported as the most numerous in the history of Rhode Island up to that time. The meeting adopted resolutions, among which were:

That the political institutions of this state have long since lost the character of liberty and equality which belong to a republic, and that, inasmuch as in the words of Washington "the basis of our political institutions is the right of the people to make and alter their constitutions,"\* it has now become the duty of the people of Rhode Island . . . . to apply with a firm hand, without unnecessary delay, and in their original and sovereign capacity, the necessary corrective to existing political evils, by the formation and adoption of a written republican state constitution; . . . . that, inasmuch as the General Assembly of this state, at their last session in June, have finally decided that the freeholders are exclusively the people of Rhode Island and have denied to the great majority of the people, so far as it is in their power thus to deny, any participation in the convention to be held in November next, the time has now fully arrived for the people, in their original and sovereign capacity, to exercise their reserved rights; and that we hereby approve the call by the state committee of the people's convention . . . . at an early date, for the formation of a constitution; that when the constitution, so framed, shall be adopted by a majority of the whole people of the state, by their signatures or otherwise, as the constitution may provide, we will sustain and carry into effect said constitution, by all necessary measures; and that, so far as in us lies, we will remove all obstacles to its successful establishment and operation, and we hereunto solemnly pledge ourselves to each other and the public; that we hail with pleasure the presence among us of the venerable remnants of our revolutionary worthies, and entertain the hope that they may be spared to witness another anniversary, when they will be deemed not only worthy of shedding their blood for the defence of their country, but of voting for their rulers and of taking an equal share of the concerns of government;† that we enter our solemn protest against the principles upon which the landholders' convention is called, as by that call a large majority of the people of this state are excluded from a participation in the choice of delegates to frame a constitution by the provisions of which they are to be governed; that we deny the authority of the legislature to proscribe or prevent

\*The complete words of Washington include also these: "That the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

†The reference is to veterans of the Revolutionary War, who not being freeholders, were not freemen.

any portion of our fellow citizens who are permanent residents of this state from a participation in the organization of the government which is to affect the rights and privileges of all; that it is contrary to the spirit of a republican government for a minority to make laws that shall bind the majority, and that we will resist to the utmost of our ability, a government that shall not acknowledge the just rights of the whole people; that we will use all honorable means within our power to have every American citizen who is a permanent resident in this state represented in the convention for framing a constitution that shall define the powers of the legislature and secure to the people the free exercise of their rights and privileges.

The Providence meeting added nine members to the committee appointed at Newport.

**CALL FOR A CONSTITUTIONAL CONVENTION**—The State committee, consisting of eighteen members, met July 20 and issued a call for a constitutional convention to meet in the State House at Providence on October 4. The basis for representation was one delegate for each 1000 inhabitants in a town, except Providence, which chose three delegates for each of six wards, or practically the apportionment rejected by the Assembly at the June session for the landholders' convention. Delegates were to be elected by "American male citizens of twenty-one years and upward," resident in the state one year preceding August 28, the day set for the election. This qualification was more liberal than that rejected by the Assembly in June. The call for the convention was accompanied by an address to the people of Rhode Island, in which were such expressions as these: "We say, in behalf of the great majority of the people —Give us our rights or we will take them. We ask nothing that is not clearly right, and we are determined to submit to nothing so manifestly wrong as the corrupt and anti-republican system of government which has so long subsisted in Rhode Island by the forbearance of the people. . . . Do not be deceived by the freeholders' convention called for November next. It is a gross fraud upon the people. The design of its originators was to crystalize, in a stronger form, the present statute provisions relative to suffrage, and to place them beyond the reach of amendment, except by the hand of force."

Thomas W. Dorr was not a member of the state committee, but he was an active member of and the leading spirit in the constitutional convention, which met, as called, on Monday, October 4, and by Saturday had completed the first draft of a constitution. The meetings were conducted in the State House in Providence, without interference or interruption by any representative or agent of the Charter government; the episode was simply another exemplification in Rhode Island, under circumstances of the utmost aggravation, of a splendid regard for the opinions of the common man. Of the October meetings the "Providence Journal" said: "It must be considered a curious spectacle, and one which no other country, if any other state, can present—a number of men assembled for the avowed purpose of overthrowing the government under which they live, without any authority from the legislative or executive powers, and yet proceeding without opposition and without hindrance. The monstrous tyranny of the state government, which was so loudly denounced, was not displayed on that occasion." The convention adjourned to November 15, to permit discussion by the people; it reassembled and reduced the constitution to final form on November 18.

**DORR ON "THE RIGHTS OF THE PEOPLE"**—On the last day, Thomas W. Dorr, answering a question "whether it was understood that a majority of the present qualified freeholders was deemed requisite for the adoption of the People's Constitution?" delivered an address of 8000 words in which he discussed thoroughly the rights of the people: "Who are the people? and what have they a right to do? are vital questions in the great controversy which now engages so deeply the attention and interests of the community and state in which we live," said Dorr.

So far as the opinions of this convention are concerned, all its proceedings, from first to last, hold forth a most unequivocal and decisive answer to the question proposed. We are met here, not as delegates from the freeholding portion of our fellow-citizens, or from those who own no freeholds, or from those who hold one set of principles in party politics, state or national, or who entertain principles of an opposite char-

acter; but we have been sent by the people at large to do for them, in a representative capacity, what they believe themselves empowered and qualified to do themselves. . . . We ask for no authority from the legislature to empower the people to assemble in convention, or to vote for or against the doings of that convention. We need, and can have, no higher commission for our proceedings than that which is derived from the sovereign power of the state. . . . I have heard much denunciation of the non-freeholders—much of that vituperation which we might expect from men who inherit the spirit and sentiments of the Tories of the Revolution, and who are republicans only in name, and from the accident of being born in the territory of a republic. . . . Who has heard from any member of the legal profession, of whatever age or standing, anything like an argument to show that the people of this state have no right to proceed as they are now doing, and that their constitution, when adopted, will be unconstitutional?

Dorr then accused the opponents of the suffrage movement of appeal for military aid from without the state, "because they have more confidence in foreign bayonets than in their own courage or cause, because they stand in dread of a just measure or reform, and, above all, of the combined movement of the yeomanry, the mechanics, and workingmen of this state, who will not listen to their empty promises any more than they will be deterred by their puny threats. Our appeal, on the other hand, is not to the cartridge box, but to the ballot box. . . . What, then, is our system of government, and who have a right to change it? Our government is now nominally republican; but it is in reality an oligarchy, or a government of a few, through the gradual operation of an exclusive landed system of qualifications for voters."

Dorr then traced the history of the government of Rhode Island from the earliest times, emphasizing the democracy of earlier institutions, and declaring: "The principle of government by the major part of a pure democracy at first, and secondarily, for greater convenience, by representatives freely chosen for a short period, runs like a golden thread through all the institutions of our state. . . . Down to the Revolution a majority of the people ruled the state. The Revolution was not needed to establish here the foundations of a democracy. They existed already, though the seeds of decay had been long before planted." Dorr then discussed the effect of the Revolution upon the location of sovereignty. "To whom did this residuary power, before vested in the King of England, this right of ultimate sovereignty, pass at the Revolution? . . . The right of sovereignty must, therefore, have passed at the Revolution to the people of the colony of Rhode Island, or to a part of the people—to the many, or to the few. There is no third supposition in the case. If the ultimate sovereignty of this state, which involves the power to make and ordain forms of governments, passed over to any particular portion of the people less than the whole, there must have been at some time some disclaimer on the part of the residue of the people—some express surrender—some act of conveyance and investment, which constituted a grant in full of all the rights of sovereignty of the existing generation of men; and we should then have to ask, what right has one generation to bind another in this manner; and what rights of government can one generation barter or give away, which their successors have not the same right to reassume? But no such disclaimer or surrender, or conveyance or investment, ever took place. . . . The sovereignty of the King of England passed, therefore, not to the Governor and Company of Rhode Island, but to the people, who, freeholders and non-freeholders, fought the battles of the Revolution, and to their descendants, who now stand in their places and claim their rights." Dorr discussed the absurdity of sovereignty associated with property, possession of which makes a man a ruler today, and dispossession a subject tomorrow. He cited the Rhode Island ratification of the Constitution of the United States in convention, with its declaration of principles, thus: "That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity. . . . That all power is naturally vested in, and consequently derived from the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them. That the powers of government may be reassumed by the people whenever it shall become necessary to their happiness. . . .

That election of representatives in the legislatures ought to be free and frequent; and all men having sufficient evidence of permanent common interest with, and attachment to, the community, ought to have the right of suffrage." Dorr moved that the "ratification" be printed and circulated throughout the state.

Dorr next took up "waiver of right by disuse," discussing the reasons why the people of Rhode Island did not in the early stages of the Revolution reorganize their government under a constitution; holding that the government then was essentially republican, and that "the great majority voted," indeed, so many that the vote in the presidential election of 1840 was only 2600 larger than the popular vote in 1790, although the state had doubled in population in the fifty years. He next recited the futile movements from time to time in the half-century to obtain a constitution, an extension of suffrage, and a reapportionment of representation. He called attention to the facts that the people's convention did not deny the validity of the Charter government; and that it had provided against the anarchy of no government by provision for continuance of the existing government until the new government was completely in operation. He characterized the existing government as "a government by tacit consent," declaring that "the right to consent involves also the right to dissent." He ridiculed the contention that the landholders' convention was legal because called by the General Assembly, and the people's convention illegal because it was not called, as tantamount to an assertion that the people of Rhode Island had no right to change their form of government at will, asserting that a constitution that contained no literal provision for amendment left the power to amend or to abrogate and substitute with the people.\* In concluding his address Dorr disclaimed any purpose to appeal to Congress (as suggested in the "Address to the Citizens of Rhode Island Who are Denied the Right of Suffrage") "for their aid in a question of state rights, which we believe the people are competent to settle in their own way and upon their own ground."

The peroration was brilliant:

We have seen that our government was in its origin a democracy; and continued such, by the assent of the King of England, to the time of the Revolution; that the whole people succeeded to the sovereignty of the state; that, for the reasons given, they omitted to exercise it in the formation of a constitution; that our government has degenerated into a freeholding aristocracy; that safety and self-respect forbid a longer delay in the work of reform; and that the people are now proceeding, in an unobjectionable and appropriate mode, to adopt such measures as justice requires. And in so doing, they will relieve the freeholders from the absurd position in which a portion of them, at least, have placed themselves in attempting to resist the course of popular rights. They tell us that the people have no authority to make a constitution; that the legislature have no authority; and that the freeholders have no authority, because they cannot budge one inch until authorized by the legislature. In this distressing difficulty, rather than that the sovereignty of the state should evaporate, and be entirely lost, the people have consented to step in, and to take the case into their own hands, and to do substantial justice to all the parties who are concerned. The freeholders are a part of the people, though not the whole people; and we are happy to find the liberal portion of them going along with us in this good work. Our ticket is so formed that every voter will respond to the question whether he be qualified under the existing laws or not. A majority of the freeholders is not necessary to our success; but it will be gratifying to find them on the right side. If the people give us a majority, we shall conclude the freeholders; if the freeholders do the same, they will conclude themselves. I trust that the result will be the adoption of a constitution that shall be worthy of our venerated ancestors, and transmit the blessings of their "ancient democracy," and of well-ordered and rational liberty, to their remotest descendants.

THE REFERENDUM—The People's Constitution was submitted to "the people" on December 27, 28, 29, and the ballots cast indicated 13,944 for and 52 against it. Of the ballots 4960 were cast by freemen, and 8984 by non-freemen, or persons not qualified to vote under the existing statutes. Assuming that all of the fifty-two votes against were cast by freemen,

\*The Rhode Island Supreme Court has applied the reverse statement of this doctrine in its holding that the Constitution of Rhode Island can be changed only in the method stated in the document.

which was not true, the 4902 freemen voting for ratification were more than half the largest number of freemen who voted for Governor in any election earlier than 1843, which was 8402 in the closely contested election of 1818; and the next largest, which was 8283, in 1840. Whether or not 4902 was more than half, or a majority, of the freemen in Rhode Island in 1842 may not be determined accurately, for want of the careful records of elections which are characteristic of modern times; if it were less than half, then there were at least 9856 freemen in Rhode Island in 1842. From the Dorr point of view, however, it was not necessary to determine a majority of freemen. From the point of view of the Charter government and its supporters, the question of majority was immaterial because the entire proceedings had been illegal for want of authorization.

A COMPLEX SITUATION—For a clear understanding of the situation in Rhode Island early in 1842 the chronological sequence of events related to the two constitutions is significant. The call for the landholders' convention was issued in February, 1841; that for the people's convention in July. With the exception of the time of issuing the call, action on the People's Constitution preceded action on the Landholders' Constitution. Delegates to the two conventions were chosen in August, to the people's convention on August 28, to the landholders' convention three days later. In Providence the eighteen delegates chosen for the people's convention included the six chosen for the landholders' convention. The people's convention assembled October 4, almost a month before November 1, the date set for the landholders' convention. The initial draft of the People's Constitution was completed October 9, and was available for discussion by the people for full three weeks before the meeting of the landholders' convention. Dorr, who had been elected as delegate to both conventions, attended both, and in the landholders' convention attempted to persuade the body to adjourn without action, as had the convention of 1834, or to adopt the People's Constitution as its own. The landholders' convention adjourned November 15, with its task incomplete; the people's convention reassembled November 18.

Thereafter Dorr and his associates moved expeditiously. Dorr himself had been reported as sensing danger to his cause in the adjournment of the people's convention on October 9; had his wish prevailed, the convention would have submitted the constitution in tentative form to the plebiscite immediately. The details wanting perfection could have been left subject to amendment by simple process, as was the matter of color discrimination in the constitution as it was submitted later. Had the program suggested by Dorr been followed, and the plebiscite been completed favorably, the landholders' convention on November 1 would be confronted by the fact of a constitution already ratified by a majority of the people. As it was, following the adjournment of the people's convention in November, the referendum was conducted December 27, 28, 29, and the ballots had been counted and the constitution proclaimed as ratified on January 13, before the landholders' convention reassembled. The landholders' convention was faced in February with the fact of a People's Constitution proclaimed, and the fate of the Landholders' Constitution, rejection by the people in March, was predicated to this fact, and to the efforts of Dorr and his associates to accomplish a negative vote. But in February the situation was not identical with the situation in October; the General Assembly had acted in January and the landholders' convention in February had been strengthened in its morale by the determination displayed by the General Assembly. The landholders' convention rejected Dorr's motion to adjourn sine die by a vote of eleven to fifty-one.

Returning to January and the General Assembly, Samuel Y. Atwell, in January, 1842, offered a resolution that the Assembly accept the People's Constitution, which was rejected, after vigorous debate, by a vote of eleven to fifty-seven. The Assembly next adopted resolutions condemning the action of the people's convention, sixty to seven, as follows:

Whereas a portion of the people of this state, without the forms of law, have undertaken to form and establish a constitution of government for the people of this state, and have declared such constitution to be

the supreme law and have communicated such constitution to this General Assembly; and whereas many of the good people of this state are in danger of being misled by these informal proceedings; therefore, it is hereby resolved by this General Assembly that all acts done by the persons aforesaid, for the purpose of imposing upon this state a constitution, were an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large; that the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this state is the only body which we can recognize as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security and happiness; that this General Assembly will maintain its own proper authority and protect and defend the constitutional rights of the people.

The General Assembly also requested towns to fill up vacancies in the delegations to the landholders' convention, and passed an act defining the qualification of electors in the referendum, or, rather, permitting the constitutional convention to define them, in terms of the qualifications established by the constitution.

**LANDHOLDERS' CONSTITUTION REJECTED**—The rejection of the Landholders' Constitution was important in its relation to events subsequently; had this constitution been ratified, it seems scarcely probable that Dorr would have persisted in his program. There were, to be sure, radical differences in the two constitutions, but there were also marked similarities, and the similarities exceeded the differences in number if not in importance. The most significant differences related to suffrage and representation; the other issue, the fact of a constitution defining the authority of the government, was established by either. The People's Constitution gave the right to vote to "every white male citizen of the United States of the age of twenty-one years who had resided in this state for one year, and in the town, city or district of the same for six months preceding the election at which he offers his vote." The Landholders' Constitution set up a residence qualification of one year for native white adult male citizens of the United States possessing a freehold valued at \$134; two years' residence qualification for native white adult male citizens of the United States, with a limitation on the right to vote on taxes or appropriations unless possessing the freehold qualification or taxed for personal property valued at \$150; three years' residence for naturalized white adult male citizens of the United States. The color discrimination in both constitutions against Indians and negroes aroused opposition on the part of the latter, and precipitated agitation in public meetings. Among others, natives and visitors to the state, who spoke at these meetings, was Frederick Douglass. The People's Constitution provided for a Senate of twelve members, elected one each from twelve districts, with the Lieutenant Governor as presiding officer; the Landholders' Constitution for a Senate of nineteen members elected in sixteen districts, with the Governor as presiding officer and the Lieutenant Governor a member *ex-officio*. The People's Constitution gave one Representative each to Barrington, Jamestown and Middletown; two each to twenty-one towns; three each to Cumberland, North Providence and Scituate; four to Warwick; five each to Newport and Smithfield; twelve to Providence, to be elected two from each city ward. The Landholders' Constitution provided for apportionment on the basis of population by a weighted ratio, with not less than two Representatives to any town. The differences affected Barrington, Jamestown and Middletown, two each instead of one; Newport and Smithfield, four each instead of five; and Providence, eight instead of twelve. The People's Constitution tended to separate judicial functions definitely from legislative functions, but made the jury's decision conclusive as to both law and fact. In an article dealing with public education it ordered the establishment of a system of *free* public schools, whereas the landholders were content with public schools; in this the handiwork of Dorr was clearly defined—he had for years advocated a *free* public school system.

But fate or politics decreed that the choice after March 23, 1842, and the rejection of the

Landholders' Constitution, should lie between the People's Constitution and the Charter. If the General Assembly's action with reference to the Landholders' Constitution, including (1) the call for the convention; (2) the modification of apportionment of representation to conform somewhat to population; (3) the extension of suffrage in the referendum on ratification, might be construed as concessions to the demands of the people, the latter had rejected the peace offerings. The Assembly was firm in January, 1842, in its declaration that it would not recognize the validity of the People's Constitution.

THE "JOURNAL" "DOUBTS THE VOTE"—The "Providence Journal," so early as January, 1842, questioned the validity of the returns of the vote on the People's Constitution, thus: "Allowing the proceedings of the suffrage party to have been perfectly legal, it must be shown that the 14,000 votes are the votes of citizens of the state, of lawful age, and the burden of proof rests with those who claim the government. The right of possession is valid until the party claiming brings forward the proof." Dorr and his associates had taken extraordinary precautions to assure a careful record of the vote. The forms of ballots used permitted a classification of voters, and the names signed provided a key to identification. Two of the ballots used, one for and the other against, follow: "I am an American citizen of the age of twenty-one years and have my permanent residence or home in this state. I am qualified to vote under the existing laws of this state. I vote for the constitution formed by the convention of the people assembled at Providence, and which was proposed to the people of said convention on the eighteenth day of November, 1841. SIGNATURE." "I (*name*) am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in the State of Rhode Island. I am (not) qualified to vote under the existing laws of this State. I vote (against) the constitution formed by the convention of the people assembled in Providence, and which was proposed to the people by the said convention on the eighteenth day of November, 1841." Accusations were made subsequently that, whereas, in most instances the election officers exercised the utmost care to prevent fraudulent voting, in other instances no restriction was interposed to any who offered a ballot, and ballots were offered and cast on behalf of persons known to be absent from the state and even of persons who were dead.

The "Providence Journal" on February 7, 1843, asserted that 552 fraudulent votes had been cast in Newport, including ballots by or for 251 unnaturalized aliens, fifty-three United States soldiers, forty non-residents, fifty-six sailors at sea, sixteen minors, thirty other absent persons, nineteen repeaters, six variations on names (indicating repeating), sixty-one fancy names, thirteen without the consent of parties, five colored persons, one pauper, one lunatic. This disclosure was made a year too late to affect the course of events in 1842.

OPINION OF THE JUDGES—In March, 1842, the three justices of the Supreme Judicial Court, Job Durfee, Levi Haile and William R. Staples, answered a private request for an advisory opinion on the validity of the People's Constitution as follows:

We have ever held it our duty, as justices of the Supreme Judicial Court, not to intermeddle with party politics, nor to volunteer our opinion on questions of law which might be presented to us officially. The questions submitted to us in your note, do not seem to us to be of such class, nor are they such, under all the circumstances of the case, as we feel at liberty to decline answering. We state then, as our opinion, that the convention which formed the "People's Constitution" assembled without law; that in forming it they proceeded without law; that the votes given in favor of it, were given without law; and, however strong an impression of public opinion they may present, that said constitution, instead of being the paramount law of the land, is of no binding force whatever; that obedience to it will form no justification or excuse for any act done in pursuance of it; and that any attempt to carry it into effect by force will be treason against this state, if not against the United States.

**OPINION OF THE NINE LAWYERS**—In answer to this declaration, widely variant as it was from the decision of the United States Supreme Court in *Luther vs. Borden*\* that the questions involved in the Dorr movement were “political” and not within the jurisdiction of the court, being reserved by the Constitution for the Executive and the Congress, Dorr and eight other lawyers—Samuel Y. Atwell, Joseph K. Angell, Thomas F. Carpenter, David Daniels, Thomas W. Dorr, Levi C. Eaton, John P. Knowles, Dutee J. Pearce and Aaron White, Jr., published the “Right of the People to Form a Constitution. Statement of Reasons,” most frequently cited as the “Nine Lawyers’ Opinion.” The nine lawyers, or Dorr, who wrote the opinion, repeated much that had been urged earlier, particularly by Dorr in his address to the people’s convention, and undertook to explain the expression “without law,” as used in the opinion of the three justices, as meaning no more than “without the request of the General Assembly.” The three justices spoke on March 3, the nine lawyers on March 15; Chief Justice Durfee, on March 25, charging the grand jury in Bristol County, ended a dramatic analysis of the situation with a declaration that the People’s Constitution “is not the supreme law of this state; and those who may attempt to carry it into effect by force of arms will, in the opinion of the court, commit treason.” Then followed the rejection of the Landholders’ Constitution.

**A PEACE REJECTED**—One final effort at reconciliation was undertaken. At a special session of the General Assembly in March a resolution to submit the People’s Constitution to a referendum of freemen was rejected 3-53; a bill to extend suffrage was rejected, 4-60; a statute warning the public against unlawful acts was passed, 60-6. This act, known subsequently as the “Algerine Act” opened with a preamble, which follows:

Whereas, in a free government, it is especially necessary that the duties of the citizen to the constituted authorities should be plainly defined, so that none may confound our regulated American liberty with unbridled license; and whereas certain designing persons have, for some time past, been busy with false pretences amongst the good people of this state, and have framed, and are now endeavoring to carry through, a plan for the subversion of our government, under assumed forms of law, but in plain violation of the first principles of constitutional right, and many have been deceived thereby; and whereas the General Assembly, at the same time that it is desirous to awaken the honest and well meaning to a sense of their duty, is resolved, by all necessary means, to guard the safety and honor of the state, and, overlooking what is past, to punish such evil doers in future, in a manner due to their offences.

The act (1) declared all election meetings except those prescribed by law illegal and void, and prescribed a fine of \$500 to \$1000 and imprisonment for six months as punishment for any person acting as officer in an illegal meeting; (2) prescribed a fine of \$2000 and imprisonment for one year as punishment for any person accepting a nomination for office or election “by virtue of any such pretended elections”; (3) declared any assumption or exercise of the powers of any state office through irregular election “usurpation of the sovereign power” and “treason against the state,” punishable by life imprisonment; (4) placed the jurisdiction for trying all offences under the act in the Supreme Judicial Court only. The Supreme Judicial Court had already declared its attitude, in the opinion of the three justices, and in Justice Durfee’s charge to the jury in Bristol County. Fortunately, perhaps, for offenders the penal code had been revised in 1835, and the punishment for treason reduced from death to life imprisonment. Most extraordinary were these other provisions in the statute, permitting (1) commitment to any jail designated by a justice; (2) arrest by any sheriff or other officer “without regard to his precinct”; (3) indictment “in any county of this state, without regard to the county in which the offence was committed”; (4) trial in any county selected by the Supreme Judicial Court “for the purpose of insuring a fair trial of the

\*7 Howard, 1.

same"; (5) imprisonment in any county jail or the state prison at the option of the court. The General Assembly, without question, had power to abolish counties; the "changes of venue" for indictment and trial were both without precedent and have not become precedents.

RHODE ISLAND HAD Two GOVERNORS—The firm attitude assumed by the General Assembly in January, 1842, was not without effect on the suffrage party. The convention to nominate candidates for election under the People's Constitution experienced difficulty in completing a ticket. Declinations were received even before the convention adjourned; the original ticket disappeared entirely with the enactment of the Algerine Act. Not until April 11, one week before election, was a ticket completed; by that time Dorr had been constrained to accept the nomination for Governor. There was no opposition, and Dorr, other general officers and members of the General Assembly were elected. Two days after the Dorr election the regular state election under the Charter was conducted and Governor King was reelected. Rhode Island, for the time being, had two sets of general officers, two Governors and two General Assemblies. Governor Dorr had received 6359 votes; the total vote cast in the regular election was 7080, of which Governor King had received 4864, Thomas F. Carpenter 2211, and five were scattering.

Fortunately for the public peace, Rhode Island still had five capitals, and two of these would suffice for keeping the rival governments far enough apart to negative the possibility of physical conflict. Governor King and his General Assembly met at Newport, as provided in the Charter; Governor Dorr and his General Assembly met at the Hoyle Tavern in Providence and proceeded, under escort of 2000 men, including two military companies, fully armed, to march toward the centre of the city and the State House. A military escort for the Governor on inauguration day conformed to immemorial precedent. The State House in Providence was not occupied, but it had been closed and barricaded. Dorr proposed forcing entrance, but was dissuaded, and the General Assembly met in an unfinished foundry building. Dorr's failure to take possession of the State House was at least a tactical error; actual occupation of the building and exercise of the functions of government with a show of authority, would do much to establish his right to recognition as *de facto* Governor of Rhode Island, aside from the psychological effect of a bold and masterful stroke upon the opinions of the people of the state and upon the Governor and General Assembly at Newport. The Dorr General Assembly continued in session two days, during which it canvassed and counted the votes cast at the election, engaged officers, organized, passed laws repealing the resolutions and statutes passed by the Charter General Assembly in April, 1842, including the Algerine Act, and other measures of an extraordinary nature, ordered the proclamation of its organization, directed the transfer of books and records to the officers elected, continued officers who had not been reelected or replaced in office pending an adjourned session, directed the Governor to appoint commissioners "to proceed to Washington to make known to the President of the United States that the people of this state have formed a written constitution, elected officers, and peaceably organized the government under the same; and that the said government is now in full operation." The Dorr Assembly adjourned to the first Monday in July, 1842, but never reassembled.

APPEAL TO WASHINGTON—Both Governors and both General Assemblies appealed to President Tyler. So early as April 4, 1842, Governor King sent Elisha R. Potter, John Brown Francis, and John Whipple, "three of our most distinguished citizens," with a letter addressed to the President, requesting that the latter undertake such precautionary measures against an expected insurrection "as may afford us that protection which the Constitution of the United States requires. There is but little doubt," the letter continued, "but that a proclamation from the President of the United States, and the presence here of a military officer

to act under the authority of the United States, would destroy the delusion which is now so prevalent, and convince the deluded that, in a contest with the government of this State, they would be involved in a contest with the government of the United States, which could only eventuate in their destruction." Answering on April 11, President Tyler declared "that no power is vested in the Executive of the United States to anticipate insurrectionary movements against the government of Rhode Island so as to sanction the interposition of the military authority; but that there must be an actual insurrection, manifested by lawless assemblages of the people, or otherwise, to whom a proclamation may be addressed, and who may be required to betake themselves to their respective abodes. I have, however, to assure your excellency that, should the time arrive (and my fervent prayer is that it may never come) when an insurrection shall exist against the government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each state by the Constitution and laws, I shall not be found to shrink from the performance of a duty, which, while it would be the most painful, is, at the same time, the most imperative."

President Tyler's attitude continued to be exactly as it was stated; though much was made of his promise to perform his duty, however painful, should occasion actually arise, he was firm in insisting through the critical period of spring and summer, 1842, that he was not justified in undertaking armed military intervention unless and until there were actual insurrection and actual hostilities in Rhode Island with which the state authorities were unable to contend. Nevertheless, the garrison at Fort Adams was strengthened; on May 2, two companies of artillery from Fort Columbus, 11 officers and 172 men, increased the garrison from 10 officers and 109 men to 21 officers and 281 men, or from 119 to 302. Two companies were withdrawn, June 17, and one company of mounted artillery added, June 20, making the garrison then 190 men. The garrison numbered 269 on July 2, including four companies of artillery, two of which were mounted. With the organization of the Charter government in May the General Assembly adopted resolutions requesting aid from the President, as follows:

Whereas, a portion of the people of this state, for the purpose of subverting the laws and existing government thereof, have framed a pretended constitution, and for the same unlawful purposes have met in lawless assemblages, and elected officers for the future government of this state; and whereas the persons so elected, in violation of law, but in conformity to the said pretended constitution, have, on the third of May instant, organized themselves into executive and legislative departments of government, and, under oath, assumed the duties and exercise of said powers; and, whereas, in order to prevent the due execution of the laws a strong military force was called out, and did array themselves to protect the said unlawful organization of government, and to set at defiance the due enforcement of law; therefore, resolved by the General Assembly, that there now exists in this state an insurrection against the laws and established authority thereof; and that, in pursuance of the Constitution and laws of the United States, a requisition be, and here and hereby is made by this legislature upon the President of the United States, forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, to support the existing government and laws, and protect the state from domestic violence.

A copy of these resolutions was sent to the President with Richard K. Randolph, Speaker of the House of Representatives, and Elisha R. Potter, a Senator, as representatives of Rhode Island.

**PRESIDENT TYLER'S GOOD ADVICE**—President Tyler's reply was to the effect that he had information that the alleged "lawless assemblages" had dispersed. In a "private and confidential" letter to Governor King the President advised:

I deprecate the use of force except in the last resort; and I am persuaded that measures of conciliation will at once operate to produce quiet. *I am well advised*, if the General Assembly would authorize you to

announce a general amnesty and pardon for the past, without making any exception, upon the condition of a return to allegiance, and follow it up by a call for a new convention upon somewhat liberal principles, that all difficulty would at once cease. And why should not this be done? A government never loses anything by mildness to its own citizens; more especially when the consequences of the opposite course may be the shedding of blood. In your case the one-half of your people are involved in the consequences of recent proceedings. Why urge matters to an extremity? If you succeed by the bayonet, you succeed against your own fellow-citizens and by the shedding of kindred blood; whereas, by taking the opposite course, you will have shown a paternal care for the lives of your people. My own opinion is that the adoption of the above measures will give you peace, and insure you harmony. A resort to force, on the contrary, will engender, for years to come, feelings of animosity. I have said that *I speak advisedly*. Try the experiment; and if it fail, then your justification in using force becomes complete.

Governor King replied on May 12, expressing satisfaction that the President's views were "so much in conformity with" his own, and stating that he anticipated the ordering of a convention by the June session, and the declaration of amnesty. Senator Potter, writing to the President on May 15, suggested that the Assembly was perfectly willing to call a convention "upon a liberal basis as to the right of voting for the delegates," but that there was an unwillingness to "concede while the people's party continued their threats."

As a matter of fact, both the Charter government and the Dorr organization were engaged in preparation for resort to conflict in arms should the occasion arise. The Charter government had recourse to the familiar practice of appointing a council to advise and assist the Governor, precedents for which were found in Revolutionary and colonial wars. The council consisted of Richard K. Randolph, James Farmer, Edward Carrington, Lemuel H. Arnold, Nathan F. Dixon, Peleg Wilbour and Byron Diman; six Whigs and one Democrat, the last Governor James Fanner. Dorr himself had left the state after the adjournment of the people's General Assembly—a tactical error, as events proceeded, that might be construed as abandonment of the *de facto* advantage gained by organizing his government on the day appointed. In compliance with the Assembly's resolution that the President and Congress be advised of the inauguration of the people's government, and that commissioners be sent with the notice to discuss the matter with the President, Dorr had appointed Dutee J. Pearce and Burrington Anthony. On the advice of friends, Dorr also went to Washington, but failed to convince President Tyler, and withdrew with the conviction that no aid for the people's government could be anticipated from the Executive. In a proclamation addressed to the people on his return to Rhode Island, on May 16, Dorr accused the President of interference, as intimating "an intentional resorting to the forces of the United States to check the movements of the people of this state in support of their republican constitution recently adopted." "From a decision which conflicts with the right of sovereignty inherent in the people of this state, and with the principles which lie at the foundation of a democratic republic, an appeal has been taken to the people of the country," the proclamation continued. "They understand our cause; they sympathize in the injuries which have been inflicted upon us; they disapprove the course which the national Executive has adopted toward this state, and they assure us of their disposition and intention to interpose a barrier between the supporters of the People's Constitution and the hired soldiery of the United States. . . . As your representative I have been everywhere received with the utmost kindness and cordiality. To the people of the city of New York, who have extended to us the hand of a generous fraternity, it is impossible to overrate our obligation at this most important crisis. It has become my duty to say, that, so soon as a soldier of the United States shall be set in motion, by whatever direction, to act against the people of this state, in aid of the Charter government, I shall call for that aid to oppose all such force which, I am fully authorized to say, will be immediately and most cheerfully tendered to the service of the people of Rhode Island from the city of New York

and from other places. The contest will then become national, and our state the battleground of American freedom." Dorr was in desperate straits after the conference in Washington had convinced him not only that he could expect no aid from the President or Congress, but that the military forces of the United States would be used against him should he open hostilities. His reception in New York city on his return from Washington cheered him, however.

Dorr was especially bitter toward President Tyler; in an address to the people of Rhode Island in August, 1843, Dorr accused the President of intimidating the representatives of the people. Referring to the proposition before the people's General Assembly in May, 1842, to take possession of public property, he declared:

But what principally operated upon the minds of the members, as I suppose, to deter them from promptitude of action, was the apprehension of an armed intervention by the national Executive, and the desire to avoid a collision. On this subject I cannot avoid dwelling somewhat at large, as its importance demands. Through the effect thus produced, the action of John Tyler, casually occupying the place of President, was the principal cause of the overthrow of the government and constitution of the people of Rhode Island; and he has thus dealt a blow at the institutions of his country, for which, when his other acts are forgotten, he will be remembered. It is seldom that, in a country boasting of a free government, it is in the power of an individual thus to wrong and afflict the people of a whole political community, and to impress himself with such marks of odium upon its annals. President Tyler, by the advice and instigation of his secretaries, Webster and Spencer, has inflicted an injury upon our people not easily to be repaired, and under circumstances which show him to be a deliberate aggressor. No case had occurred, under the Constitution and laws of the United States, to authorize any intervention on his part in the local affairs of a sovereign state.

Dorr accused President Tyler of being misled by the delegation from Governor King to believe that the "Charter party of Rhode Island was the party of the President's political friends." Daniel Webster also was criticised by Dorr.

If President Tyler had offended Dorr and his followers by the promise to use the military forces of the United States to suppress actual hostilities in the process of actual insurrection, he had not endeared himself to the followers of Governor King by his steadfast refusal to send troops into Rhode Island until there was a demonstration of positive necessity, while his "private" advice to the Governor, kindly given in the letter of May 9, to call a "convention upon somewhat liberal principles," did not please the Bourbon adherents of the old order. The alleged interference of the President in the affairs of Rhode Island was subsequently investigated thoroughly by Congress.<sup>‡</sup>

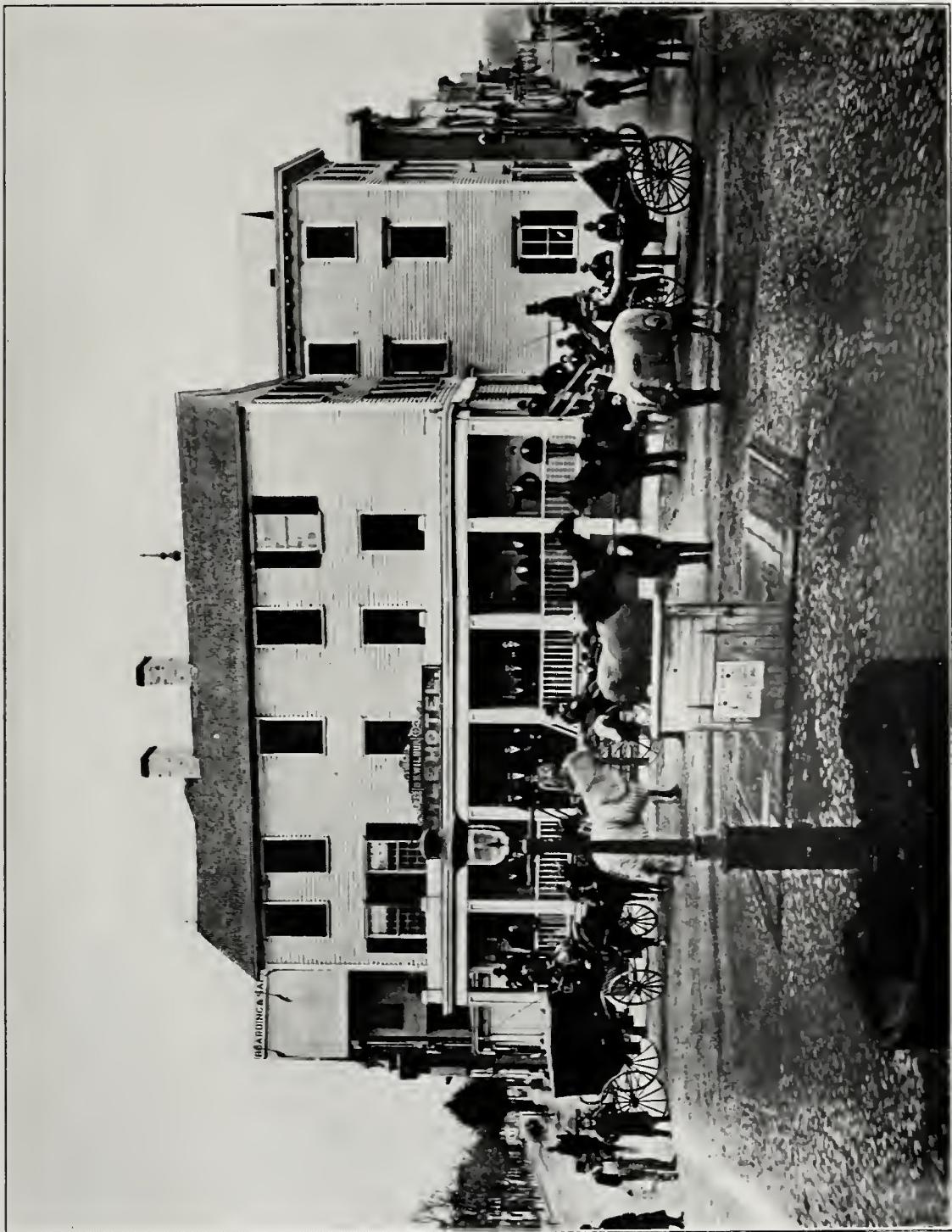
WEAKNESS OF CHARTER GOVERNMENT—The appeal of Governor King and the Charter General Assembly to the President, with its patent admission of almost helplessness in the crisis of the suffrage movement, becomes less inexplicable than otherwise if viewed in proper perspective and in its historical setting. First, it should be noted, that the Rhode Island militia of 1842, with its elaborate organization in brigades, regiments and companies, and galaxy of field, staff and line officers, all elected annually in grand committee of the General Assembly, was not the soldierly, well-drilled and disciplined, splendidly armed, neatly uniformed body of the National Guard of the twentieth century, so much as a loosely organized civic rather than military force of yeomanry, in which every able-bodied man was enrolled. The militia of the period was scarcely a dependable force under any circumstances. In the single instance of serious rioting in Rhode Island earlier than 1842 the Governor had called out certain independent military companies rather than the militia. The rioting, which occurred in 1831 in Providence, was such that it is credited with having been the fact that induced the freemen of Providence to accept a city charter after having rejected it previ-

<sup>‡</sup>Vide *infra*.

ously. "On the night of September 21, 1831," wrote Staples, "a number of sailors visited Olney's Lane for the purpose of having a row with the blacks inhabiting there. After making a great noise there and throwing stones, a gun was fired from one of the houses. The greater part of the persons in the lane then retreated to the west end of it, and five sailors who had not been engaged in any of the previous transactions went up the lane. A black man on the steps of his house presented a gun, and told them to keep their distance. They in turn proposed taking his gun. This they did not attempt, but pursuing their walk a little further, they stopped. Here they were ordered by the black man to 'clear out,' or he would fire at them. This they dared him to do. He did fire, and one of their number was instantly killed. The first company, who were still at the foot of the lane, then returned, tore down two houses and broke the windows of the rest. During the next day there was great excitement. The sheriff of the county with other peace officers were in Olney's Lane early in the evening. As the mob increased in numbers and in violence of language, they were ordered to disperse, and seven taken into custody. Subsequently others were arrested, who were rescued from the officers. The sheriff then requested military aid of the Governor of the State, and at midnight the First Light Infantry marched to his assistance. The mob, not intimidated by their presence, assaulted them with stones. Finding that they could effect nothing without firing upon them, the soldiers left the lane, followed by the mob, who then returned to their work, and demolished six more houses in the lane and one near Smith Street, not separating until between three and four in the morning. On the morning of the twenty-third, an attack on the jail being expected, the sheriff required military aid, and the Governor issued his orders to the Light Dragoons, the Artillery, the Cadets, the Volunteers and the First Light Infantry to be in arms at six o'clock in the evening. The mob appeared only in small force, and did little mischief. The military were dismissed until the next evening. On the evening of the twenty-fourth there was a great collection of persons on Smith Street and its vicinity. Soon they commenced pulling down houses. Upon this, finding it impossible to disperse or stay them, the sheriff called again on the Governor, and the military were again assembled. During their march to Smith Street they were assailed with stones. They marched up Smith Street and took post on the hill. Here both the Governor and the sheriff remonstrated with the mob, and endeavored to induce them to separate, informing them that the muskets of the military were loaded with ball cartridge. This being ineffectual, the riot act was read, and they were required by a peace officer to disperse. The mob continued to throw stones at the houses and soldiers. The sheriff then attempted to disperse them by marching the dragoons and infantry among them, but without success. He then ordered the military to fire, and four persons fell mortally wounded on Smith Street, just east of Smith's bridge. The mob immediately dispersed and peace was restored."\* The episode was significant as it demonstrated the strength of uncurbed lawlessness, and the weakness of the military, particularly in dealing with fellow-inhabitants.

The riot of 1831 had not been forgotten ten years later. Assuming that the balloting on constitutions in 1841 and 1842 indicated, as it probably did, a fairly even division of opinion, favorable to and opposed to Dorr and his program, a summons for the militia scarcely could be expected to rally more than half the force to the colors of Governor King, while it might also, as assuredly, drive the other half to the colors of Governor Dorr, thus dividing the state immediately into two hostile camps of armed men. Both Governors were escorted to their inaugurations in 1842 by armed military companies, Governor King in accord with the immemorial custom of a military parade in Newport on election day, and Governor Dorr because the occasion was fitting, and the procession would have been vastly less impressive without

\*Another version pictures the mob as consisting of good citizens who had determined to destroy two dens of iniquity; Olney's Lane was a place of bad repute.



HOYLE HOTEL.

Erected 1721 at the junction of the present Westminster and Cranston Streets. Here Thomas Wilson Dorr and the General Assembly elected with him met on the morning set for inauguration before marching to the State House. Instead of going to the State House a meeting was held in a hall in Providence, and the company dispersed. Thereupon the Governor, under the Charter, called out the Militia, and the military phase of the Dorr War began. The age of the picture is indicated by the dress of the men, the type of street light, and the horses and carriages.



soldiers. The militia was not a strong arm that could be used to quell the Dorr movement, and Governor King and his associates understood the situation thoroughly. Governor King faced a similar predicament should he attempt to enforce the Algerine Act. In accepting nomination and election to office under the People's Constitution Governor Dorr and other general officers and members of the General Assembly, besides all wardens, moderators and clerks who assisted in conducting the election, had violated the provisions of the statute in such manner as to justify issuing warrants for their arrest; but Governor King did not venture to order arrests. Indeed, the first arrest under the Algerine Act was made on the second day of the Dorr Assembly. With the latter dissolved, with the display of weakness in ordering a request for possession of public property rather than the taking of it, with Dorr absent from the state in the two weeks in which want of action and direction tended to disintegration of his forces, Dorr was weaker and the Charter government much stronger. There was reason for doubting the *de facto* as well as the *de lege* standing of the Dorr government. Several prominent Dorrites had been arrested; many who had accepted election to office under the People's Constitution had resigned. "The revolution is in a state of suspended animation," said the "Journal"; "Governor Dorr has hid or run away. Pearce is missing. Sheriff Anthony has absquatulated. The Secretary of State's office is over the line, and their headquarters nobody knows of. Their General Assembly has evaporated." The "Journal" had already begun to treat the Dorr movement with derision and in the jocular fashion which it maintained for years afterward with reference to the "insurrection."

**INSURRECTION IN ARMS**—Governor Dorr returned to Providence on May 16. He had been in Washington, and on his return had stopped in New York. There he had been warmly greeted and lavishly entertained. On May 14 he addressed "the Democrats of New York at Tammany Hall." He received assurances that, should he need assistance, particularly in resisting federal intervention, it would be made available. He had also been assured that his followers in Rhode Island were still steadfast and devoted. A mass meeting in Providence, to which Dutee J. Pearce and Burrington Anthony reported after their unsuccessful mission in Washington, adopted resolutions attesting their continued support. He reached Stonington on May 15, and came thence to Rhode Island on a special train, on which 200 men had journeyed to the Connecticut town to meet and escort him to Rhode Island. In Providence he was welcomed by a crowd of people and escorted by a long procession to his headquarters, at Burrington Anthony's house on Atwell's Avenue. Dorr at the time carried a sword. He addressed a mass meeting of his sympathizers, discussing the issues involved in the constitutional movement, and assuring them that if necessary they would receive the assistance that had been promised in New York. Late in the afternoon of May 17 a detachment of armed men from Dorr's headquarters demanded and carried off without resistance from the town house lot two ancient English fieldpieces that were in the custody of the Artillery Company of Providence. The guns had been surrendered by Burgoyne at Saratoga, and loaned by Washington to Rhode Island to replace cannon sent to him. The fieldpieces were carried up Federal Hill, and placed with three other small cannon to guard the steep approach from the centre of the city. In the haste attending "capture" of the cannon the Dorrites neglected to carry off shot and balls for ammunition; these had been removed when another detachment appeared.

**ATTACK ON ARSENAL**—Dorr's next military movement was anticipated by Governor King and his advisers. Dorr and his followers needed arms and ammunition, for themselves and for others who might join them, and the logic of the situation suggested capture of the state arsenal, with its stores of muskets and ammunition, and arms of various sorts. The arsenal was located on Cranston Street, at Dexter Training Ground, and could be reached

from Dorr's headquarters by a short march along the brow of the high ground west of the center of the city on the highway then known as Love's Lane, but later called Knight Street. The Governor issued an urgent request for a citizens' guard for the arsenal, and on the night of May 17 the arsenal was carefully guarded by a well-organized body of determined men, armed and surrounded by abundant stores of ammunition. The building was of stone, and could be defended even against artillery fire from the cannon of the period.

In anticipation of a rising in the city to accompany the expected attack on the arsenal, militia and independent military companies were summoned from other parts of the state, and a steamboat was sent to Newport to move the Newport Artillery with its cannon to Providence. The rising of the people did not take place; there was no serious movement of reinforcements toward Dorr's headquarters, in spite of the firing of signal guns. Dorr's armed forces probably did not exceed 250 men, including a detachment from Woonsocket, when the movement toward the arsenal began at midnight on May 17. Dorr's force was reduced by desertion in the darkness of a moonless night during which a heavy fog prevailed. The posse defending the arsenal numbered probably 200, with the advantage of fighting behind stone walls, and abundant arms and ammunition. Dorr's demand for surrender of the arsenal met curt refusal, and preparations were made to force entrance by demolishing the heavy doors of the arsenal by artillery fire. Burgoyne's cannon were wheeled into position and trained upon the doors. The attempt to fire them proved futile. It was learned later that in the haste of preparation for the assault upon the arsenal the cleaning of the touch-holes had been neglected, and that these were clogged and tightly corked by melted powder and dust, so that a spark could not pass through them to fire the charges within the barrels. In the excitement of the moment Dorr believed that the cannon had been spiked by a traitor in his own ranks. Following the failure of the artillery Dorr's "army" evaporated rapidly because of desertion under cover of darkness. At daylight less than fifty men remained, and these, unmolested by the guard at the arsenal, followed Dorr back to headquarters. At eight o'clock in the morning Dorr received a letter from friends in the city, who advised him that all the officers of his government and members of the General Assembly had resigned, and that further continuance of the "war" was futile and unreasonable. At the time preparations for surrounding Dorr's headquarters were underway, and the Newport Artillery had already placed cannon on ground higher than that occupied by Dorr, from which his position could be cleared by range firing. Dorr left for Woonsocket so rapidly that detachments of mounted men dispatched in pursuit after news of the departure reached Charter headquarters, returned after unsuccessful search. The small force at Dorr's headquarters agreed to disperse if the Newport Artillery were withdrawn, but moved, when the way was clear, from its exposed position to a hill to the north, on which breastworks were thrown up and cannon planted. That position was abandoned on May 19, and Burgoyne's cannon were recovered by the Artillery Company. There was no further disturbance in Providence; fortunately no blood had been shed. The failure of Burgoyne's cannon at the critical moment, no doubt, had prevented loss of life that would have been inevitable had the assaulting party advanced, and the defending party returned fire from its strongly entrenched position.

Dorr's own account of the attack on the arsenal follows:

After a long delay for the arrival of the military forces from the country, at an early hour in the morning of May 18 a movement was made upon the arsenal in the city of Providence, a depot of the state arms, with 250 men and two pieces of artillery; two others being left behind through a neglect which has never been accounted for. The place to be taken was a stone building of two stories, with artillery on the first and infantry on the second. The attempt failed from desertion, for want of better organization and of officers, and by the disabling of the guns through treachery. Some persons having access to them and acting in concert with our enemies, did not intend that anything should be accomplished; and they prevailed.

Shortly after the surrounding of the arsenal about two-fifths of our men left the ground by the unauthorized order of a subordinate officer. The officer first in command under me also disappeared, and was followed by others. Delay occurred in altering the position of the pieces. An ineffectual attempt was made to discharge them; they had been rendered unserviceable. The greater portion of the men had become scattered, or had retired. I directed the pieces to be withdrawn, and left the ground at daylight with thirty-five or forty men.

Dorr left Rhode Island for New York.

**THE AFFAIR AT ACOTE'S HILL**—Dorr's next return to Rhode Island was timed to correspond with the June session of the General Assembly, which opened on Monday, June 21. For a month the state had been stirred from time to time by rumors of preparations within and beyond the borders of Rhode Island for another demonstration—of bodies of men drilling, of caches of arms and ammunition, of attempts (some successful) to obtain possession of cannon and powder, of secret meetings, of patrols, of plans for invading Rhode Island. The "Journal" interpreted what it characterized as "this constant commotion" as purposed "to take advantage of any favorable turn that the tide of affairs may take" or "to influence the General Assembly, now in session." The General Assembly failed to meet on June 20 for want of a quorum; on the following day it considered a grist of petitions and resolutions from town meetings bearing on constitutions and suffrage, and referred them with a resolution to call a convention to a committee. The resolution had been passed in concurrence on Thursday, June 23, when adjournment was taken. Dorr left New York on June 21 for Norwich, Connecticut, accompanied by the "Spartan Band," twenty armed men, commanded by Michael Welsh. At Norwich he met friends from Rhode Island, and issued an order for a military council, to convene at Chepachet, which had been chosen as the meeting place for the Dorr General Assembly in July. The council did not assemble; instead Dorr received word that 500 men were at Chepachet. He joined the group at Chepachet, and found it to consist of no more than 250 armed men at any time from June 25 to 27. A camp had been established on Acote's Hill, with cannon placed to command the roads.

News of the gathering had spread through Rhode Island, and militia and military companies aggregating 4000 men were called out, concentrating in and about Providence, under command of William G. McNeill as Major-General. Arms were loaned by Henry A. S. Dearborn, Adjutant General of Massachusetts. The organization was complete on Saturday, June 26, but no order to advance was given until the evening of Monday, June 27. On Tuesday, June 28, Military Order, No. 54, announced: "The village of Chepachet and fort of the insurgents were stormed before eight o'clock this morning, and taken with about 100 prisoners by Colonel William W. Brown; none killed and no one wounded." An extra, afternoon edition of the "Journal" carried an item equally as laconic: "Dorr Fled and His Fort Taken—News has this moment arrived that the force under command of Colonel Brown has taken the insurgent fortification. Dorr has fled, but large numbers of his men have been taken." Dorr had departed Monday evening, after issuing an order to his few remaining followers to disperse to their homes. A letter addressed to Walter S. Burges of Providence was intercepted Monday evening and delivered to Mr. Burges by Colonel Edwin H. Hazard. Mr. Burges opened the letter in the presence of the military officer. The letter contained a note to Mr. Burges, announcing the abandonment of Acote's Hill, thus: "Believing that a majority of the people who voted for the constitution are opposed to its further support by military means, I have directed that the military here assembled be dismissed. I trust that no impediments will be thrown in the way of the return of our men to their homes." The envelope enclosing the Dorr-Burges letter contained also a letter addressed to the "Providence Express" (daily edition of the "New Age"), as follows: "Having received such informa-

tion as induces me to believe that a majority of the friends of the People's Constitution disapprove of any further forcible measures for its support; and believing that a conflict of arms would therefore, under existing circumstances, be but a personal controversy among different portions of our citizens, I hereby direct that the military here assembled be dismissed by their respective officers."

Perhaps there was justification for withholding both letters for the time being, and for the rapid advance of the Charter army on Acote's Hill immediately after the letters had fallen into the possession of General McNeill. The prisoners captured included some of Dorr's followers who had not succeeded in reaching home, and many who, on subsequent investigation, were released for want of evidence that they had been connected in any way with the movement. Dorr himself crossed the state line into Connecticut, and for over a year remained outside Rhode Island, escaping capture, though a reward of \$5000 was offered and diligent search for him was made. Both Governor Cleaveland of Connecticut and Governor Hubbard of New Hampshire refused to honor requisitions for his arrest and return to Rhode Island as a "fugitive from justice." He returned to Rhode Island on October 31, 1843, and surrendered himself for trial.\* Of Dorr's associates, besides those captured by the army in and about Acote's Hill, many were indicted, and some were imprisoned; the General Assembly from time to time ordered amnesty, discharge from custody, or the nol-prossing of indictments as a better feeling pervaded the state. Besides the movement against Acote's Hill demonstrations in force were made by the militia at Woonsocket, in connection with which zealous soldiers who crossed the state line into Bellingham and arrested alleged Dorrites on Massachusetts soil were prosecuted; and at Pawtucket, where the only bloodshed in the Dorr movement occurred. At Pawtucket the Kentish Guards, stationed at the bridge, were exasperated by hooting and stone-throwing, and fired across the Blackstone River into the part of Pawtucket then lying in Massachusetts. Three spectators were struck, and one, Alexander Kelby, was instantly killed.

CONSTITUTIONAL CONVENTION ORDERED—Before Dorr had reached the camp at Acote's Hill, the General Assembly had authorized a constitutional convention. Town meetings were ordered to elect delegates on the last Tuesday in August, to meet at Newport on the second Monday in September. The apportionment of representation in the convention was related somewhat to population; two delegates each for towns with less than 3000 people, three delegates for towns of 3000 to 6000, four delegates for towns of 6000 to 10,000, five delegates for towns of 10,000 to 15,000, six delegates for towns of over 15,000. Providence might elect six delegates; Newport, Smithfield and Warwick, four each; Bristol, Coventry, Cumberland, North Providence, Scituate, South Kingstown and Tiverton, three each; all other towns, two each; total, seventy-nine. Gloucester sent no delegates to the convention. A majority of the delegates chosen constituted a quorum, and the purpose of completing a constitution was indicated in the power given to fourteen delegates to compel attendance of others to make the quorum. In the election of delegates all native male adult citizens of the United States resident in the state three years and in the town one year might vote if registered at least ten days before election. The constitution drafted must be submitted to a plebiscite in which freemen and all others whom the constitution if adopted would enfranchise might vote. The enabling legislation had stipulated that the constitution should become effective when ratified "by a majority of the persons having a right to vote." The convention on September 29 adopted a resolution requesting the General Assembly "to pass such declaratory act as may seem necessary for the plainer expression of the intent and meaning of the act" because of the "manifest impracticability of ascertaining the precise number of persons that might have

\**Vide infra.*

a right to vote" and because "it is inferable that it is the true intent of said act that none but those actually voting should be counted." The Assembly complied with the request by passing a statute declaring the constitution effective if "adopted by a majority of the persons having a right to vote and actually voting upon the question of adopting the same." There was good reason for the change, first, because of ambiguity, and, secondly, because the opinions and attitudes of the suffrage leaders had undergone a change after an almost spontaneous indication of approval of the constitutional convention when it was ordered in June.

The "Journal," of June 27, and the "Republican Herald," of June 28, printed, by request, an address, "to the Suffrage men of Rhode Island," as follows: "The late law of the General Assembly, containing, in our opinions, the substance of what we have contended for, we heartily recommend its provisions to the candor of our friends, and trust that they will render it their undivided support. The use of force in opposition to the government is not to be tolerated. And we hope that the feelings, wishes and opinions of the undersigned may be well considered by those who would not oppose the present existing government of the state." The address was signed by a large number of men who had participated actively in the Dorr movement. During the summer, however, the enforcement of martial law, which had been proclaimed by Governor King, was sufficiently obnoxious to arouse misgivings and to keep alive the resentment of pronounced suffrage leaders. Gloucester's refusal to send delegates to the convention had the purpose of indicating dissatisfaction. Many counselled refraining from voting, and the vote on ratification, 7032 for to 59 against, might be interpreted as an eloquent protest by the opposition. The total vote for Governor in the election of 1843, 16,520, indicated that the constitution of 1842 had not been adopted "by a majority of the persons having a right to vote," nor yet by a majority of all adult male inhabitants. The wisdom of the declaratory act in stipulating adoption by a majority of the persons "actually voting upon the question" was demonstrated. The convention met in September as ordered, drafted a constitution that more nearly resembled the Landholders' than the People's Constitution, and adjourned at the end of the month to permit printing and discussion, thus following the precedents of the conventions of 1841. The convention reassembled at East Greenwich in November, and on November 5 completed its labors. The plebiscite was conducted on November 21, 22 and 23. The committee of the General Assembly which counted the ballots on ratification of the Constitution of 1842 reported 7091 ballots, of which 6777 were for *adoption*, 171 for *approval*, 84 favorable, and 59 for rejection. The Constitution was proclaimed, and measures taken for carrying it into effect, including the election of general officers and a General Assembly.

THE NEW CONSTITUTION—The Constitution of 1842 opened with a preamble and a "declaration of certain constitutional rights and privileges" in twenty-three articles, including "slavery shall not be permitted in this state." In the draft of the Constitution submitted to the referendum a blank space was left in the qualifications for suffrage to be filled with the word "white" if a majority of the electors so voted. On this question the vote was 1798 yes and 4031 no, and thus the new Constitution abolished color discrimination at the ballot box. An act of the new General Assembly elected under the Constitution repealed an earlier law that had forbidden state or town taxation of "persons of color." The suffrage qualifications were: (1) For adult male citizens of the United States resident in the state one year and in the town six months, complete suffrage on all questions in state and town elections if owning a freehold estate valued at \$134 or yielding \$7 rent in the town of residence; or suffrage for general officers if owning a freehold estate located in another town; (2) for adult male *native* citizens of the United States resident in the state two years and in the town six months, suffrage for the election of general and civil officers and on questions in town meetings, if reg-

istered and paying a registry or other taxes amounting to one dollar, which might be remitted for military duty. In Providence no person might vote in the election of city council or on tax or appropriation questions unless he had paid in the year next preceding a tax on property valued at \$134. Naturalized citizens of the United States could become electors only by acquiring a freehold estate valued at \$134. The Constitution incorporated the principle of distribution of powers. The General Assembly was bicameral, consisting of a Senate and a House of Representatives. The Senate consisted of the Lieutenant Governor and one Senator from each town, with the Governor as President with the right to cast a deciding vote in case of equal division but not otherwise. The House of Representatives consisted of not exceeding seventy-two members, to be apportioned on the basis of population, except that each town was entitled to at least one representative and no town might elect more than twelve, Representatives to be elected on general ticket without districting. Election was by majority vote. No person was eligible for any office, except school committee, unless a qualified elector for the office. The Constitution provided for one supreme court and inferior courts to be established by the General Assembly, supreme court judges to be elected in grand committee and to serve until removed by a concurrent majority vote of the members elected to each house in the Assembly. The Constitution contained an article on education, provided for amendments, and restricted the powers of the General Assembly. With reference to the three major reasons urged for a Constitution, (1) suffrage, (2) representation, and (3) restriction upon the General Assembly: Suffrage had been changed by excluding the obnoxious eldest son of a freeholder, and enfranchising a large new group, "adult native male citizens of the United States," to qualify by registration. The vote for Governor in the first election under the new Constitution indicated that the electorate had been approximately doubled. A smaller new group of electors included adult male naturalized citizens of the United States who became freeholders. The obnoxious requirement of elections as freemen had been abolished, and suffrage had become a political right of those who could qualify. The change in the system of representation, so far as the House of Representatives was concerned, favored the contention of the suffrage party for representation on the basis of population except as it limited the growing city of Providence to a sixth of the total membership; on the other hand the right of majorities that might be made effective in choosing the old Senate of ten members at large, was cancelled by the provision for a new Senate consisting of one Senator from each town. The compromise on representation in the General Assembly indicated little or no gain for the principle of representation on the population basis; indeed, the new Senate practically assured the smaller towns, through equal representation, of a perpetual veto on legislation not approved by them, since laws must be passed by concurrent action.

**ATTITUDE OF DEMOCRATS**—Satisfactory to the suffrage party or not, the new Constitution when ratified had become *de facto* the supreme law of the State of Rhode Island; they might refrain from participating in the exercise of political functions under it if they saw fit to do so, but that meant political suicide for politicians. The attitude of the suffrage party was disclosed in primary and convention meetings of the reorganized Democratic party in Rhode Island, which emerged eventually from a coalition of Dorrites and Democrats as an opposition party to the dominant Whigs, for the time being styling themselves the party of Law and Order. Resolutions adopted by a Democratic state convention meeting December 20, 1842, included:

That the right of the people "to institute and to organize" its powers in such forms as to them shall seem most likely to effect their safety and happiness and "to alter and to abolish" that government which has become either oppressive or "destructive of the ends" for which it was established and to substitute in its

stead "new government" is their inalienable right, and the only sure basis of all popular governments; . . . that as Democrats and as citizens of this state, we may well differ upon the provisions of any fundamental law proposed or in force; but the original right of people to make or alter their fundamental law at any time, without authority or a request of the existing government is an American right, which the Democracy of this state and of the whole country will never surrender; . . . that the public affairs of this state are in a deranged state, brought about by the unjustifiable and arbitrary councils of the present state administration, which seems to have been actuated by motives more calculated to perpetuate themselves in power than from a proper regard for the lives, liberties and equal rights of her citizens and the security of property; . . . that as every government is more or less republican only in proportion as it embodies the popular will and the free "consent of the governed," we view with feelings of anxiety for the future happiness and prosperity of the people of this state, the extraordinary measures and means adopted by the administration to impose upon the people the constitutional form of government, not "deriving its just powers from the consent" of the majority, but sanctioned and ratified by a minority only as the reassertion of that aristocratic principle which holds "that the mass of mankind have not sufficient intelligence and virtue to participate in the management of public affairs" and teaches the abhorrent "right of the few to govern the many"; . . . that the provision in the new Constitution exacting the payment of the dollar tax at the registry of a name is repugnant to and in violation of this sacred principle [right without purchase]. However repulsive to our feelings and galling to our rights this unjust requirement may be, yet as citizens desiring to preserve the public peace, we do hereby earnestly recommend to all Democratic Republicans,\* not otherwise qualified, to register their names and pay this loathed price of liberty, and thus be prepared, at the ballot box, to assist and vindicate their rights, which have been so long denied to them by an arbitrary and despotic power; that in recommending this course, and in order to avoid all doubt or misconstruction of our purposes, we explicitly avow our object to be to accomplish in a satisfactory manner, and with the least delay, the establishment in fact, as well as in right, of the People's Constitution.

The Democrats had resolved to comply with the provisions of the new Constitution and to attempt, through the extension of suffrage, to wrest control of the state from the party in power. The convention condemned "certain leading and influential men formerly acting with the Democratic party" who had "allied themselves with those who are the foes of popular liberty and denied the cardinal principles of democracy, and aided materially in establishing despotic power in this state," and declared that "they have forfeited all claims to Democratic principles, and to the confidence of that party in this state and of the union."

A Democratic ward meeting in Providence adopted resolutions, thus:

That the people of this state, in the free exercise of their inherent and legitimate sovereignty, have formed for themselves a constitution of government, but that they have been prevented from carrying it into operation by a lawless military force; that we consider the thing termed a constitution, recently adopted by a small though wealthy faction in this state, to be both illegal in its origin and unequal and unjust in its provisions, and that therefore it is not of right the paramount law of this state; that in organizing a form of government under this constitution we intend to do no more than to give the people an opportunity to carry out their own will, in opposition to that of the unprincipled despots who would control the free exercise of their inalienable rights; that we recommend to the friends of the People's Constitution to register their names and otherwise to qualify themselves to act at the coming election and to hurl those petty tyrants from the offices which they unworthily fill; that in qualifying ourselves to act under the Algerine Constitution, and in using such means as may be put in our power, through the forms of "law and order," to cast aside this most odious form of government, and to rear upon its ruins the constitution legally made and adopted by the people, we believe we are performing a solemn duty which we owe to our God, to our country, and to our posterity; that we have the utmost confidence in the honesty and integrity of Thomas Wilson Dorr, and that we believe him to be an incorruptible patriot, a profound statesman, as well as a champion of equal rights; and that he fully deserves the esteem and confidence of the Democracy of our whole country.

At Gloucester a meeting of "friends of Democracy and equal rights," "believing that the only practicable course now known is to register our names according to the provisions of

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\*The name still retained by the Democratic party.

the Algerine Constitution," resolved "that it is the duty of every man who is in favor of establishing the people's cause in this state, and hurling from power those men who have so disgraced their station, to register their names and be prepared to consign them to that oblivion to which they belong."

The candidate of the Law and Order party was James Fenner, old line Democrat, who had been Governor, 1824-1831, and more recently had been President of the Constitutional Convention. He had opposed the Dorr movement, and had served on the "war council" appointed to advise and assist Governor King. No doubt Governor Fenner's popularity had much to do with his election as first Governor under the Constitution, with a majority of 1694 in a total vote of 16,520 over Thomas F. Carpenter, the candidate of the Dorr-Democratic coalition. With Governor Fenner the Law and Order party elected a complete state ticket and a majority in both houses of the General Assembly. Additional to the popularity of Governor Fenner, and the sturdy support given him by the well-organized Whigs in accomplishing his election, were the distrust engendered by the two armed uprisings of the Dorr forces, in Providence and Gloucester, and the spectre of civic turmoil and domestic violence unduly exaggerated perhaps, but still compelling. Dorr had tried twice and had found the people of Rhode Island unwilling to resort to armed force to adjust their political grievances and disabilities; the election in 1843 of the candidates of the Law and Order party was confirmatory of a generally peaceable attitude and forbearance.

INAUGURATING A NEW GOVERNMENT—To the Charter General Assembly fell the task of preparing for the inauguration of the government under the Constitution of 1842. The Governor was directed to proclaim the new Constitution. The General Assembly by statute set up the machinery for an election, and expressly forbade and ordered the suppression of, other election meetings. The effect of the latter legislation was prohibition of a possible attempt to undertake a second election, in 1843, under the People's Constitution, which would have reproduced the crisis of 1842 with two Governors and two General Assemblies. With the election complete save for canvassing the votes, the General Assembly appointed a committee "to be present at and witness the organization of the government under the Constitution adopted by the people of the state in November last," and ordered "that said committee make report to this General Assembly as soon as such organization shall be completed in conformity with the provisions of said Constitution, in order that the General Assembly may know when its functions shall have constitutionally passed into the hands of those who have been legally chosen by the people to receive and exercise the same." As a matter of fact, the committee consisted, for the most part, of citizens who were members of the old and had been elected as members of the new General Assembly. The old and the new General Assemblies, in grand committee of each, were present at the same time in the State House at Newport on May 2, 1843. The new General Assembly canvassed and counted the votes cast at the election, and proceeded to organize. When the organization had been completed the committee reported to the old General Assembly, and then the latter resolved "that the foregoing report be accepted, and that the General Assembly be, and the same is hereby declared to be dissolved." Thus ended the General Assembly under the Charter of King Charles II, after an existence of 180 years. And thus also began the General Assembly of the State of Rhode Island and Providence Plantations under the Constitution of 1842. Rhode Island did not continue to live happily ever afterward under the state Constitution, if for no other reason than that this is a true story and not a novel. A constitutional struggle quite as romantic and as fascinating in its unusual development remains to be narrated.\* For this chapter there remains the task of gathering up the various threads tangled and broken in the denouement of the constitutional movement and rearranging them in the pattern of 1843.

\*Chapter XXVI.

PHILOSOPHY OF DORR MOVEMENT—The Dorr movement was founded upon the philosophy of popular revolution, which, aside from mention or declaration in constitutions and state papers and in the speeches or writings of illustrious Americans, was enunciated in Rhode Island so early as 1783 in the report of the Providence committee on the proposition to reduce the town's representation in the General Assembly, and again in 1790 in the Bill of Rights adopted by the constitutional convention. The immediate failure of the movement might be attributed to any one or all of three factors: First, the indecision of Dorr and his followers at critical moments, and failure to act when action was imperative for success that would establish the Dorr government as *de facto*; second, the uncompromising determination of the Governor and General Assembly under the Charter not to surrender, and effective measures taken by them at opportune moments to resist and to carry into effect a program that became more and more definite as Dorr's weakness was disclosed; third, the interpretation of President Tyler's position with reference to the duty of the Executive to guarantee a state against insurrection and domestic violence, although the President exercised all the diplomacy of perfect detachment in avoiding actual intervention. Eventually the Dorr movement had been successful in bringing about a popular opinion that had accomplished a very significant part of the original program of the suffrage party, to wit: (1) A state constitution of the American written-document type; (2) an extension of suffrage amounting probably to 100 per cent. in the comparison of the new with the old electorate; (3) a readjustment of representation, though the accomplishment in this particular was not so marked as with reference to the Constitution and suffrage. In its original form the proposition of the suffrage party had suggested a solution of the problem of determining which of two contesting state governments was legal and constitutional in an appeal to Congress. Dorr himself recognized the impracticability of such an appeal, but veiled his disapproval of it in an assertion of supreme sovereignty resting on the state to determine the legality of its own government. Possibly he foresaw the difficulty of intriguing Congress into determination of a purely political question by concurrent action, and also the further entanglements that were possible should the Senate recognize Senators from one and the House of Representatives from the other of two governments, each asserting itself to be the legal government. The failure of Senate and House to agree was predicated to the power of each, under the Constitution of the United States to judge the qualifications of its own members. Eventually legal questions that involved a determination of the problem were carried to the Supreme Court of the United States and the Supreme Court of Rhode Island, and the conduct of President Tyler was investigated by a committee of the national House of Representatives.

SUPREME COURT AVOIDS DECIDING DORR ISSUE—Martin Luther, of Warren, served as moderator of a town meeting in Warren on April 18, 1842, and as moderator received ballots offered for officers under the People's Constitution. He was indicted under section 1 of the Algerine Act. At the trial Chief Justice Durfee, presiding, instructed the jury to find the defendant guilty if they were satisfied that he had acted as moderator and received ballots. The jury found Luther guilty, and Judge Durfee sentenced him to pay a fine of \$500 and to imprisonment for six months. Luther subsequently removed to Massachusetts and established a legal residence there, which permitted him to enter in the District Court of the United States, as a case between citizens of different states, an action against Luther M. Borden and others who had broken into and searched his home in Warren. The General Assembly employed counsel to defend Borden, and to carry the case on appeal to the Supreme Court of the United States. Luther alleged in his declaration an unlawful trespass; the defendants pleaded lawful entry as members of a military company acting under orders of their commanding officer during a period in which martial law had been proclaimed in Rhode Island.

The pleadings were planned, and the offers of evidence were made to present to the court at trial the question as to which of the Charter General Assembly and the Dorr General Assembly was the government of Rhode Island after May, 1842. Justice Story, who presided, "*pro forma* and upon the understanding of the parties, and to carry up the rulings and exceptions . . . . to the Supreme Court," refused to instruct the jury "that a majority of the free white male citizens of Rhode Island . . . . had a right to reassume the powers of government, and establish a written constitution and frame of a republican form of government, and that, having so exercised such right, . . . . the preexisting charter government, and the authority and the assumed laws under which the defendants in their pleas claim to have acted, became null and void and of no effect, so far as they were repugnant to and conflicted with said constitution, and are no justification of the acts of the defendants." Justice Story instructed the jury "that the government and laws" under which the defendants acted "were in force and effect as the frame of government and laws of the state of Rhode Island, and did constitute a justification." The jury found the defendants not guilty, and Justice Story signed a bill of exceptions, and permitted a writ of error. The opinion of the Supreme Court in *Luther vs. Borden*,<sup>†</sup> written by Chief Justice Taney, held that the questions presented to the court were political, and that the determination of political questions was not within the jurisdiction of the Court. "It rests with Congress to decide what government is the established one in a state. . . . And its decision is binding on every other department of the government and cannot be questioned in a judicial tribunal. It is true," said the court, "that the contest in this case did not last long enough to bring the matter to this issue; and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts." Discussing the effect of President Tyler's promise to aid the Charter government, the court held that as Congress by statute (February 28, 1795) had provided that "in case of any insurrection in any state against the government thereof, it shall be lawful for the President . . . . to suppress such insurrection," a power that might have been placed in the court had been given to the President, and denied the right of a court to review the action of the President. "If the judicial power extends so far," said the court, "that a court may negative the act of the President, the guaranty contained in the Constitution of the United States is a guaranty of anarchy, and not of order." The court suggested that Congress itself could apply "the proper remedy" if the President "shall fall into error or invade the rights of the people of the state." The opinion concluded: "No one, we believe, has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every state resides in the people of the state, and that they may alter and change their form of government at their own pleasure. But whether they have changed it or not by abolishing an old government and establishing a new one in its place, is a question to be settled by the political power. And when that power has decided, the courts are bound to take notice of its decision and to follow it."

DORR RETURNS TO FACE TRIAL—Thomas Wilson Dorr, no longer claiming to be Governor of Rhode Island, returned to Rhode Island late in October, 1843. In an "Address to the people of Rhode Island," issued August 10, 1843, Dorr reviewed the suffrage movement, assigned as a reason for failure to establish the People's Constitution the unwillingness of the people of Rhode Island to support it, and announced his purpose to accept the result of the spring election of 1843 and the triumph of the Law and Order party at the polls, and to return to Rhode Island without the intention of further action. He was arrested October 31, 1843, on an indictment returned by the grand jury of Newport County, which charged treason

<sup>†</sup>7 Howard, 1.

against the state of Rhode Island. The indictment recited overt acts in arms against the government of the state committed in Providence County, in the city of Providence on May 17, and 18, 1842, and in Gloucester on June 26 and 27, 1842. The indictment in Newport County for offences alleged to have been committed in Providence County, and the trial subsequently by the Supreme Court and a jury in Newport County, conformed to the provisions of the fourth section of the Algerine Act,\* but otherwise were distinctly contrary to practice and precedent in the United States. To assure a speedy trial, Dorr, who had been committed to jail without bail, waived a separate hearing on his plea in abatement to the jurisdiction of the court, and consented to trial on the merits, which included the substance of the plea in abatement.

The jury was drawn from a total of 124 jurors and talesmen, of whom 16 had been drawn regularly to serve for the term, 60 were selected and summoned by the sheriff as additional jurors in anticipation of the defendant's right to 20 peremptory challenges, and 48 more were selected and summoned by the sheriff on four writs of venire for 12 men each issued by the court. It was alleged and entered as an objection on the record of the trial that a lawyer who acted as an assistant to the Attorney General at the trial accompanied the sheriff on the quest for additional jurymen and actually wrote the return on one writ of venire. Of the 108 men summoned as additional jurors by the sheriff only one was a Democrat, and he and two other Democrats included in the 16 regularly drawn jurors were not of the trial jury as finally impanelled. Objections to jurors individually and a challenge to the panel were entered; Dorr used all of his peremptory challenges, and 83 who had been summoned or drawn were excused as having formed an opinion. For the state the Attorney General presented an abundance of testimony tending to prove that Dorr had participated in the attack on the arsenal, and that Dorr had been with the armed insurgents at Chepachet. The jury, under the instructions of Chief Justice Durfee, who presided, that they were bound by the court's rulings on the law and limited to the consideration of the evidence as establishing or not establishing facts that were defined by the court as constituting treason as charged in the indictment, found Dorr guilty of treason.

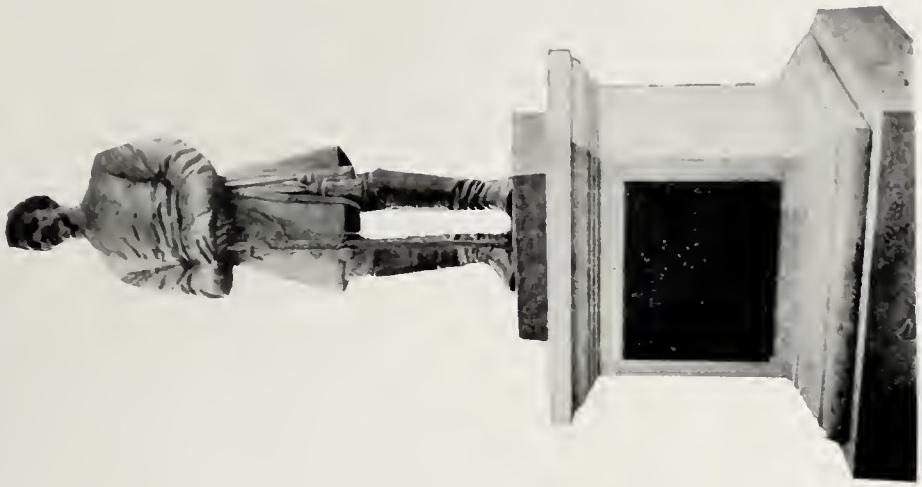
The defence, and the action of the court with reference thereto appeared in the bill of exceptions filed with a motion for a new trial, which included (1) allegations that the jury was improperly impanelled because (a) it included men who had formed and publicly expressed opinions that showed prejudice against Dorr, (b) the list of jurors actually summoned or reported as "found" by the sheriff consisted of 107 men out of 108 who were known to be opposed to Dorr, (c) the defendant was not furnished with lists of jurors in reasonable time for investigation before the trial; (2) complaint that lists of the government witnesses were not furnished on request a reasonable time before the trial; (3) objections to testimony relating to acts committed by the defendant before the dates of alleged overt acts in arms, introduced to establish proof of criminal intent; (4) refusal by the court to permit the introduction of evidence to prove that Dorr had acted under a constitution adopted by the people of Rhode Island; (5) assertion that treason is an offence that may be committed only against the United States and not against a state; (6) assertion that the fourth section of the Algerine Act was unconstitutional so far as it permitted indictment and trial elsewhere than in the county in which alleged offences had been committed, and that the Rhode Island act of 1838 established a new criminal code was unconstitutional so far as it included a definition of treason and a penalty for it. The trial had opened on April 26, 1844, and was concluded by verdict on May 7. The motion for a new trial was argued June 10 to June 13, and was overruled by the court on June 14. On the same day a motion in arrest of judgment was filed, which was argued on June 24 and 25 and denied.

\**Vide supra.*

Justice Durfee, on June 25, sentenced Dorr to "be imprisoned in the state prison at Providence in the county of Providence, for the term of his natural life, and there kept at hard labor in separate confinement." The court permitted Dorr's counsel to file, for entry on the records, a bill of exceptions against the court's ruling "that treason might be committed against a separate state," to be made the basis for a writ of error issuing from the Supreme Court of the United States, but denied a motion to suspend execution of the sentence to permit Dorr to sue out the writ of error. Dorr was committed to prison in solitary confinement. The effect of commitment was to inhibit recourse to writ of error, inasmuch as Dorr himself could not file a petition for the writ, nor could counsel, since no communication was permitted, file a petition *as requested or authorized* by Dorr. The effect of Justice Durfee's refusal to suspend sentence was to bar an appeal to the Supreme Court through writ of error, and to nullify the bill of exceptions. Dorr's counsel, appearing before the Supreme Court as a friend rather than as authorized counsel, sought to have Dorr brought before the Supreme Court on writ of habeas corpus. The Supreme Court denied the motion,<sup>†</sup> holding that the court had no original jurisdiction of the matter under the Constitution of the United States, no jurisdiction under the common law, and such appellate jurisdiction only as had been conferred by Congress. The court cited the fourteenth section of the Judiciary Act of 1789, which authorized the writ of habeas corpus, but provided that "writs of habeas corpus shall in no case extend to prisoners in jail, unless they are in custody under or by color of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify." The Supreme Court held substantially that it had no authority to issue the writ of habeas corpus for jail delivery of a person committed by a state court.

The Dorr trial was one of the longest criminal trials in the history of Rhode Island, and the arguments of counsel, illuminating branches of criminal and constitutional law, of procedure and the law of evidence, including the marshalling of precedents, indicated remarkable legal ability in the Bar of Rhode Island. The extraordinary measures taken by the Law and Order government to assure Dorr's conviction—the indictment and trial in Newport instead of Providence County, the selection of the jury from a list of 124 of whom only 16 had been regularly drawn, the rulings of the court during the trial almost invariably against the defendant, the charge to the jury so positive that it was almost a direction to return a verdict of guilty—wrung from Dorr, when asked by the court for reasons why sentence should not be pronounced upon him, the answer: "I am bound, in duty to myself, to express to you my deep and solemn conviction that I have not received at your hands the fair trial by an impartial jury to which, by law and justice, I was entitled. . . . This trial, which has been carried through the forms of law, was destitute of the reality of justice, and was but a ceremony preceding conviction. . . . All these proceedings will be reconsidered by that ultimate tribunal of public opinion, whose righteous decision will reverse all the wrongs which may be now committed, and place that estimate upon my actions to which they may be fairly entitled. . . . From the sentence of the court I appeal to the people of our state and of our country. They shall decide between us. I commit myself, without distrust, to their final award. I have nothing more to say." Dorr's faith in the people in this instance, was justified. The Law and Order party, in their effort to destroy Dorr, had made a martyr of him. The unseemly haste in committing him to jail, without permitting stay of execution long enough to appeal to the Supreme Court of the United States was the culminating episode in a trial which aimed at conviction at any hazard. A year after his imprisonment Dorr was liberated as the result of a peremptory order of the people of Rhode Island, who had swept the Law and Order party from power in

<sup>†</sup>*Ex parte* Dorr, 3 Howard 102.



MEMORIAL TO COL. HENRY TILLING  
HAST SISSON, LITTLE COMPTON



*Henry Barnard*



order that Dorr might be released. Democracy had revolted, and was once more triumphant in Rhode Island.

**LIBERATION OF DORR**—Sullivan Dorr and Lydia Dorr, parents of Thomas Wilson Dorr, petitioned the General Assembly in January, 1845, for amnesty, and the General Assembly voted and resolved that the prayer of the petition “be so far granted as that Thomas W. Dorr be liberated from his confinement in the state prison upon his taking” an oath to support the Constitution and laws of Rhode Island and of the United States. Dorr declined to take the oath. The state election of 1845 was contested on the issue of “Liberation,” and Charles Jackson, candidate of the Liberation party defeated Governor Fenner, candidate of the Law and Order party, 8010 to 7800. The Whigs returned to power in 1846, when Byron Diman was chosen as Governor by the General Assembly after failing to obtain a majority of the popular vote, although he had a scant plurality (7477 to 7389) over Governor Jackson in a total vote of 15,021. The liberation of Thomas W. Dorr was accomplished June 27, 1845,\* through an act of the new General Assembly of 1845, entitled “An act to pardon certain officers against the sovereign power of this state, and to quiet the minds of the good people thereof.” The act forbade prosecution for any “crime or offence” under the Algerine Act, and ordered the discharge of “every person who is under recognizance, indictment or sentence for or on account” of any offence under the Algerine Act; and ordered that “any person who has been convicted of the crime of treason against this state, and is now in prison under sentence of the law provided for such offence, shall be forthwith discharged from such imprisonment.” The act did not mention Thomas W. Dorr by name, but there was only one person imprisoned at the time for treason.

The “Republican Herald” (Democratic) reported Dorr’s release thus: “Hundreds of citizens are crowding the prison door, and hundreds more in carriages, on horseback, and on foot, are thronging the roads leading to that hated place, to get a glimpse at this victim of persecution, and once more welcome him on his restoration to his friends, the people and to the world. . . . The loud booming of cannon from Smith’s and Federal Hills, and the waving of flags from the hickory poles and flagstaffs, give unequivocal token of the general and undisguised joy which pervades all ranks and sexes in the city.” On release from prison Dorr was driven through the crowded city streets to the home of his father, and in the evening, again acclaimed by a multitude of people, to the residence of a friend in Cranston. His year in prison had weakened him physically and his health was shattered, never to be completely restored. The release of Dorr was applauded throughout the country; at Cambridgeport, Massachusetts, 100 cannon shots were fired to celebrate the event. Newspapers carried the news of Dorr’s liberation from coast to coast, and Dorr was toasted, after the fashion of the times, in public meetings and at patriotic celebrations.

The General Assembly, in May, 1851, restored Dorr’s civil and political rights, and in February, 1854, passed an act entitled “An act to reverse and annul the judgment of the Supreme Court of Rhode Island for treason rendered against Thomas W. Dorr, June 25, A. D. 1844.” The act in a preamble recited irregularities in the trial, declared that “Thomas Wilson Dorr was thereby wrongfully convicted,” and ordered: “The judgment of the Supreme Court . . . is hereby repealed, reversed, annulled and declared in all respects to be as if it had been rendered; to the end that right be done to the said Thomas Wilson Dorr, the clerk of the Supreme Court for the county of Newport is hereby directed to write across the face of the record of said judgment the words ‘Reversed and annulled by order of the General Assembly, at the January session, A. D. 1854.’” The new General Assembly of May, 1854, requested the “justices of the Supreme Court to furnish . . . their opinion upon the

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\*June 27, 1842, Acote’s Hill; June 27, 1844, Dorr committed to prison for life.

constitutionality" of the act reversing and annulling the conviction of Dorr, and the Supreme Court, in an advisory opinion, declared the act unconstitutional. The court held that the Constitution of Rhode Island (1) established a distribution of powers—legislative, executive, and judicial; (2) vested the judicial power in one Supreme Court; (3) did not authorize the General Assembly to erect a court superior to the Supreme Court or itself to assume judicial functions that would make it a superior court of appeals from judgments of the Supreme Court; (4) vested in the Supreme Court "the duty of the judiciary in all free constitutional governments to decide upon the constitutionality of laws passed by the legislature." The court held also that the General Assembly had no "authority to order the reversal of the judgment to be written on the face of the record." The General Assembly, in June, 1854, on receiving the opinion of the Supreme Court, adopted resolutions declaring that the preamble of the act of January, 1854, asserted "doctrines which the people of the state do not approve," and contained "statements which are untrue," and acquiescing in the decision of the court that the act was "unconstitutional and void." The General Assembly did not, however, repeal the act of January, 1854, thus leaving open the question as to the weight attaching to the opinion of the judges. Advisory opinions are refused by the Supreme Court of the United States and by state courts generally unless the constitution of the state, as in Rhode Island, requires the judges to render advisory opinions upon request. Advisory opinions have not the effect as precedents that follows opinions rendered in the course of actual trial of genuine cases. The Rhode Island General Assembly, on occasion, has disregarded an advisory opinion of the Supreme Court; thus, members of the General Assembly collect mileage for every day of actual attendance, up to sixty, in spite of an advisory opinion that mileage is limited by the Constitution to one journey to and one journey from each session.† If the advisory opinion of the Supreme Court in 1854 was ineffective, the reversal of its judgment against Dorr stands; if the opinion was effective, the court achieved, through the opinion, the independence that Thomas Wilson Dorr as an eminent constitutional lawyer would desire. He was too seriously ill in June, 1854, to care; before the end of the year he died, December 27, 1854, aged 49 years. The Rhode Island General Assembly erected a bronze memorial tablet on the site of Dorr's fort at Acote's Hill in 1912. The fort had been leveled years before in grading the ground for a cemetery. The tablet is attached to a high boulder, which as it stands near the public highway attracts attention to the memorial.

**INVESTIGATION BY CONGRESS**—The General Assembly, in 1842, had sent to President Tyler an urgent request to intervene in the affairs of Rhode Island and to protect the state from insurrection and domestic violence. A special session was called in March, 1844, to protest "against any interference by the Congress, or by the House of Representatives of the Congress of the United States, with the internal government and constitution" of Rhode Island. Resolutions were adopted which (1) recited the early history of Rhode Island; (2) accused "certain evil-disposed persons" of undertaking to overthrow "the republican form and constitution of internal government of this state"; (3) specifically charged that "Democratic members of the Rhode Island legislature . . . in plain violation of their oaths of office" had requested "the House of Representatives to inquire whether the members of said House from the state of Rhode Island are entitled to their seats, inasmuch as a large number of persons entitled, under the People's Constitution, to vote at their elections were excluded from the polls, and the electors were barred from voting for candidates in opposition under said constitution"; (4) "lest silence in the premises should be construed into acquiescence, protested (a) against the right of Congress to decide or inquire "whether the late Charter government of this state was republican in form . . . said form of government, as republican having been

†35 R. I. 166.

recognized"; (b) against the right of Congress to decide or inquire into the merits of the People's Constitution," the said question having been finally decided by the people of this state, and the government of this state having been actually settled, and being now actually administered under and by virtue of the Constitution of this state, legally, peaceably and freely adopted"; (c) against action by Congress "calculated to stir up and excite anew rebellion, insurrection and war therein, or to excite against this state, and the people and government thereof, the ill-will of the people and government of our sister states."

The national House of Representatives appointed a committee, nevertheless, to "inquire into the interference of the President in the affairs of Rhode Island in 1842," and received both a majority and a minority report from its committee, the combined reports, with documents accompanying them making a volume of 1250 closely printed pages. The majority of the committee condemned, the minority sustained President Tyler. The General Assembly expressed its disapproval of the report in resolutions, thus: Whereas the House of Representatives of Congress "in violation of the reserved rights of this state . . . did at their last session refer a memorial of certain persons styling themselves Democratic members of this Rhode Island legislature to a special committee with authority to inquire into and report upon all matters in said memorial contained . . . without regard to the solemn protest of the General Assembly of the state duly communicated to said House of Representatives"; . . . and whereas said committee report "fully justified the attempt of a part of the people of Rhode Island, with others their confederates, by force and fraud to overthrow the government of Rhode Island and to establish in its stead another government, against the will of the people and the authority thereof, and several thousand copies of said report have been printed and ordered to be printed by said House of Representatives at the public expense for the purpose of being circulated in all the states of the United States; and whereas said report and the statements thereto appended as evidence are in general either untrue or deceptive, and injuriously affect the character of many good citizens of Rhode Island therein named or specified, and cast reproach upon the government and people of Rhode Island, so that it has become the bounden duty of this General Assembly to place upon record and to lay before the people of the United States an authentic account of the recent struggle of this state in the cause of constitutional freedom, so greatly misrepresented and misunderstood, to the end that those of her citizens who for their fidelity to the cause have been singled out for reprobation may be sheltered therefrom by proof—that the people and government may be protected from unjust reproach—and that the truth of history may be vindicated in a matter of gravest concern to the people and government of every state of this union," therefore resolved to appoint a committee to gather the material for a report favorable to the government of Rhode Island. The committee as named included Samuel Ames, William Gammell, William G. Goddard and Samuel W. King. Nathan F. Dixon and Alfred Bosworth replaced William Gammell and William G. Goddard, who declined to serve. The Rhode Island committee did not report. The General Assembly also condemned the Democratic members as "traitorous" and as unworthy of holding any office of honor or trust.\* The affairs of Rhode Island were brought before the United States Senate in resolutions, but no action was taken by the Senate. Aside from making the most of an opportunity for the delivery of political speeches, Congress was as little inclined as was President Tyler to take decisive action. Eventually the attitude of the three principal agencies of the federal government—Congress delaying action until Rhode Island had settled its own affairs, the President promising but refusing intervention unless and until actual violence necessitated it, and the Supreme Court withholding its decision to decline jurisdiction until 1849—might be epitomized, in words that were later applied to another situation as "watchful waiting."

\*Resolution ordered expunged, 1853, in same manner that United States Senate expunged censure of Jackson.

Rhode Island found reason for complaining of the somewhat active interest taken by sister states in the affairs of Rhode Island during the suffrage movement. Dorr was encouraged by the Governors of Connecticut, Massachusetts and New Hampshire, and promised armed support in New York in the event of federal intervention. Certain citizens of Carroll County, Indiana, protested to Congress, and their memorial was referred to the committee of the House of Representatives with the petition of the Rhode Island Democrats. Newspaper reports of the procedure on Dorr's trial and other trials following the insurrection attracted attention, and the imprisonment of Dorr aroused sympathy for him without as well as within the state. New Hampshire, through the legislature, on June 8, 1845, addressed resolutions to Congress asserting "that it is the duty of Congress to restore to the said Thomas Wilson Dorr those sacred rights guaranteed to him by the Constitution, as a man and a citizen of this republic; and to wipe out the deep and damning stain upon the national escutcheon by the mock trial and condemnation of this individual, guilty of no offence but that of maintaining the sovereignty of the people and of obeying their sovereign will." The Rhode Island General Assembly answered that "said resolutions, marked as they are by the grossest falsehood, ignorance and impertinence, are at once disgraceful to the legislature of New Hampshire and insulting to the government and people of Rhode Island." The Legislature of Maine in resolutions asserted that the People's Constitution had been legally adopted, condemned President Tyler's "interference" as "a wanton violation of the rights of the people of Rhode Island," protested against the imprisonment of Dorr as "unjust, illegal, malignant and tyrannical, unbecoming the age in which we live, and deserving the marked disapprobation of the American people," and recognized "in the person of Thomas Wilson Dorr a bold and uncompromising champion of the great American doctrines of the Revolution, the able and stern defender of popular sovereignty, a noble son of a degenerate state, now the victim of vindictively corrupt judges, and a packed and partial jury." The Rhode Island answer was a protest against officious meddling: "The state of Rhode Island, while she faithfully discharges all her constitutional obligations to her sister states, and to the government of the union, can never so forget her past history, her early struggle in the cause of religious freedom, her toils and sufferings and sacrifices in the War of the Revolution, and her zealous determination, at all times, to secure to the people of Rhode Island the exclusive right to manage their own affairs in their own way, as not to repel with indignation every attack, come whence it may, to deprive her of those constitutional rights which the fathers of the republic established in order to promote the peace."

With the advantage of the perspective of nearly ninety years the Dorr movement may be briefly recapitulated thus: To Dorr belongs such credit as may be due him for awakening Rhode Island to a conception of more liberal democracy, after the unprecedented and unparalleled democracy of the founders had become scarcely attuned to the growth of the commonwealth. Dorr's forcefulness brought the issue to a focus, and precipitated a movement out of which Rhode Island achieved a Constitution. It was altogether unfortunate that Dorr's enthusiasm led him to misinterpret the willingness of the people to pursue peaceable measures as tantamount to a disposition to vindicate their political opinions in arms. As a matter of fact, Rhode Island, even under the Charter government, was a happy state whose people enjoyed unusual personal liberty, and were restricted probably less than anywhere else in their pursuit of happiness. They might wish for broader political privileges, but they were not disposed to heroic measures to obtain them. Dorr erred in not accepting with good grace the overtures for peace made effective through the Constitution of 1842. Unfortunately, also the Charter government exaggerated both its own assumed weakness and the strength of the Dorr party. Effective measures to curb insurrection, suppress domestic violence and guard both human life and property were amply justifiable. The Charter government and the new

government under the Constitution erred in pursuing drastic post-insurrectionary measures, which, in view of the little reason for them, were construed as vindictive. The Dorr movement, with all its failures, was important for the United States as well as for Rhode Island, as it established for America the path to democracy, by way of the ballot rather than by use of the bayonet. To Rhode Island belongs the credit eventually of settling the problem in its own democratic way, and of beginning under a Constitution that was liberal for the middle of the nineteenth century a fresh experiment in democracy on a larger scale than had been dreamed of by Roger Williams and John Clarke.

The monument erected by the General Assembly at Acote's Hill in 1912 carries this inscription: "Thomas Wilson Dorr, 1805-1854. Of distinguished lineage. Of brilliant talent. Eminent in scholarship. A public-spirited citizen. Lawyer, educator, statesman. Advocate of popular sovereignty. Framer of the People's Constitution of 1842. Elected Governor under it. Adjudged revolutionary in 1842. Principle acknowledged right in 1912."





## CHAPTER XIX. THE INDUSTRIAL REVOLUTION IN RHODE ISLAND.



ARRAGANSETT BAY had been the prize contended for, in the earliest period of New England's colonial history, by Rhode Island, Connecticut and Massachusetts. Besides furnishing harbors not surpassed on the Atlantic coast of North America, the bay and rivers emptying into it penetrated deeply into the terrain and were navigable for full thirty-five to forty miles from the open ocean, with the consequence that no farm in Rhode Island was more than twenty miles from tidewater, and most were very much nearer. There was agrarian opposition to the construction of the Blackstone Canal because it tended to give the farmers along the Blackstone Valley so far as Worcester, and beyond, advantages almost equalling those theretofore enjoyed exclusively by Rhode Island farmers through easy access to markets. The short haul of produce or drive of stock to tidewater markets compensated abundantly for the poor quality of much of the soil; wherefore Rhode Island farmers were among the most prosperous in colonial America, because they encountered no serious natural obstacles to selling so much of their produce as exceeded what was necessary for home consumption. Thus they not only escaped the abject poverty that usually attends farming in places isolated from markets, but also shared in the genial glow of prosperity radiating from the rising commercial towns. The proximity to tidewater of farms producing butter and cheese, flax and wool, horses and poultry, beef and pork for provisions, hay and other forage crops, facilitated the operations of traders seeking cargoes for sale in West Indian markets. Rhode Island farms furnished food (1) for home consumption on the farms; (2) for residents of compact commercial towns such as Newport and Providence, no longer able to feed their denizens through home production and dependent upon the farming towns for necessary food;\* (3) for sailors of the fleets sailing in and out of Narragansett Bay; and (4) for English and other colonies among the West Indian islands. Besides food, the farmers had hides, timber, lumber, barrel staves and hoops, cordwood and trash wood for sale, and sometimes potash and saltpetre.

The commercial towns were prosperous—even wealthy—and Newport reached the zenith of her golden age in commerce, art, literature and social culture before the Revolution. Peace favored commerce; in war merchants turned to privateering, hazarded and won or lost fortunes, with the scale tipped usually by a favoring balance. Once Rhode Island had taken to the sea, her sons were versatile mariners and adventurous merchants. Commerce broadened and became more profitable, as new markets were sought and found, and Rhode Island sloops, schooners, brigs and clipper ships became carriers in trade between ports other than those on Narragansett Bay. Offshore fisheries and whaling lured many in pursuit of fortunes. Mary Brown, sister of the famous four brothers of Providence, married Dr. Vandelight, skillful chemist and graduate of Leyden University, who brought from Europe the Dutch process of separating spermaceti from sperm oil; and the Brown brothers added spermaceti works to their numerous other enterprises. The West India sugar trade was supplemented by the building of distilleries, by the rum trade and by the slave trade in triangular voyages yielding a profit on each leg of the triangle, from Narragansett Bay to Africa, from Africa to the West Indies or South America, and thence home. Shipbuilding yards produced the first Rhode Island trading vessels, and as commerce extended, the shipbuilding industry grew with it, Rhode Island producing typical fast-sailing vessels for home merchants and for sale abroad.

\*Newport and Providence, the latter particularly, were threatened with famine during the paper money controversy. Chapter XVI.

Along with ships went the production of masts and spars, hemp and ropes, flax and canvas, pulley blocks and myriad types of metal fittings for ships, nails and bolts, chains and anchors, cannon and other arms for defence of peaceful commerce against pirates, or for the more aggressive activities of privateers, and colonial ships-of-war. An abundance of hides and the demands of growing population for leather suggested tanneries, and the manufacture of leather into boots and shoes, saddles and harness. Besides family, intramural production of home-spun cloth and garments, there were, in the colonial period, several ventures in the manufacture of textiles, including duck for sails, to promote which a bounty and subsidy were offered. More manufacturing there might have been had not the English colonial policy either forbidden or discouraged competition with British factories, and had not the English navigation acts restricted and hampered the development of American commerce. The major productive enterprises in colonial Rhode Island, both primary and secondary—food and provisions, hides and leather goods, ships and ship findings, cast iron and ironware, timber and lumber—all were related to the dominating geographical fact—Narragansett Bay—and the development of commerce.

**CHANGES FOLLOWING REVOLUTION**—As the causes of the Revolution had been economic as well as political, the establishment of independence brought both political and economic changes. Rhode Island lost the intercolonial trade that had been highly profitable before 1776, and harbors and ports that had been familiar in bygone days were not visited by Rhode Island vessels, because England reserved intercolonial trade for British and colonial vessels. On the other hand, the acknowledgment of independence removed the barriers that England had set up against foreign commerce; into the new field enterprising Rhode Island merchants and shipowners lost no time in entering. With the coming of peace Rhode Island shipyards were once more busy with the construction of larger vessels for transoceanic, around-the-world, trade. The southeastern extremity of Providence, where the Seekonk River turns sharply westward to join the Providence River, was named India Point because of the new commerce with the Far East, and the cargoes landed there from India and the Spice Islands.

Besides direct trade with European and Asiatic ports, Rhode Island merchants developed a new and novel plan for profitable foreign trading. Instead of consigning cargoes to factors or agents in distant ports and risking losses because of unprofitable selling in unfavorable markets, Rhode Island vessels carried a supercargo as agent for the merchant owner of the cargo. The supercargo, at discretion, might dispose of the cargo in the port for which clearance had been taken, or, finding the prospect unsatisfactory there, might order clearance for another port, selling part or all of the cargo from port to port to best advantage. The supercargo might sell the ship if opportunity offered good profit. The Brown & Francis ship "President" was sold, after one voyage, in Calcutta to a Dutch firm. The De Wolf ship "Juno," Bristol, for the Northwest Coast and the China fur trade, was sold to Russians. The commander, Captain John De Wolf, returned to Bristol by way of the Pacific Ocean, Siberia, Russia and the Atlantic Ocean, thus completing a journey around the globe. The voyage netted the owners a profit of \$100,000. The supercargo might invest the proceeds of sale of his outgoing cargo in a return cargo for Rhode Island, or he might, on selling the first cargo, buy another for disposition in another foreign port, or take another cargo on charter similar to the practice of modern "tramp" steamships. Thus after one or more incidental voyages, a Rhode Island vessel might return from a long journey with the profits of several voyages to offset the heavy expenditures involved in long direct voyages. In an extension of the plan an outgoing cargo might be divided and transferred in foreign ports to smaller vessels, which besides disposing of their cargoes, gathered foreign goods for shipment back in the larger vessel to Rhode Island. Enterprises involving, as these did, hundreds of thousands of dollars invested in ships and cargo and expended for wages and provisions for sailors and officers, called for sound business judgment, as well as daring initiative. The commerce was profitable, yielding

fortunes if successful, but also extremely hazardous because of the perils of the sea, piracy, privateering, and war.

The new foreign commerce substituted new markets for old markets lost, and restored in Rhode Island the prosperity that had preceded the Revolution; it also brought into prominence a new and decidedly American type of wealthy Rhode Islander to replace the Tories and Hebrews who had been leaders in commerce before the war. The De Wolfs of Bristol; Gibbs & Channing and Champlin & Champlin of Newport; the four Brown brothers and their partners, Benson, Francis and Ives; several of the ten sons of Joseph Carlo Mauran, Edward Carrington, Joseph and William Russell and a host of others of Providence, were the new merchants and mariners trading with Sweden, Russia, China, India, Australia and the East Indies. Edward Carrington, who had been American Consul at Canton, China, returning to Rhode Island, became builder and operating owner of the largest fleet of sailing vessels, twenty-six at one time, in America. Rhode Island ships and sailors went anywhere that promised profit. When whaling, after a quarter-century of quiet from 1795 to 1820, was revived, Rhode Island sent out ships on three-year voyages to the Pacific Ocean. The "Lion," ship, clearing from Providence November 10, 1843, returned in 1846, after having taken 1800 barrels of whale oil, 100 barrels of sperm and 36,000 pounds of whalebone, a record catch. The "Lion" was also the last whaler cleared from Rhode Island; sailing July 17, 1854, she was lost at sea November 10, 1856. When South Carolina opened the port of Charleston to the slave trade for four years, January 1, 1804, to December 31, 1807, of sixty-seven American vessels engaged in the traffic fifty-nine were owned in Rhode Island. Of 212 vessels entered as carrying slaves eighty-eight were consigned to residents of Rhode Island. Rhode Island vessels, for the most part brigs and schooners, carried 8238 of 39,075 slaves imported. Bristol vessels carried 3914 slaves into Charleston, Newport vessels 3488, Providence vessels 556, and Warren vessels 280. Ten of the Rhode Island vessels were owned by James De Wolf of Bristol; he was interested as consignee in three others, and may have owned yet three more—probably sixteen in all. James De Wolf was subsequently elected to the United States Senate, and there attacked vigorously by Senator Smith of South Carolina, following Rhode Island's opposition to the admission of Missouri as a state. The slave trade was forbidden by Congress in 1808; yet the "Haidee," completed in 1853, the last ship built in Providence, became a slaver. After two voyages, one to Australia and another to China, the "Haidee" was sold, and in 1857 made the crossing from New York to Oporto, Portugal, in seventeen days, twelve hours, the record for a sailing vessel. The "Haidee" cleared from New York for Gibraltar in 1858, and from Gibraltar cleared for Africa, this time without Captain Manton of Providence, who had been sailing master. The "Haidee" landed 900 slaves in Cuba, and, to evade capture and confiscation, was scuttled off Montauk Point, September 18, 1858.

Rhode Island was rehabilitated after the Revolution by successful ventures on the sea. Bristol, Newport, Providence and Warren participating, but all of Rhode Island sharing in the prosperity that was diffused, farmers as well as residents of the commercial towns. Once more the dominating factor in the new economic organization was Narragansett Bay. The era of profitable foreign commerce was short-lived. It opened so soon after the close of the Revolution as keen-visioned, daring merchant princes recognized opportunity. It had reached the zenith before 1810, and with the passage of another generation, foreign commerce, steadily declining in profit, in the number of persons engaged, and in ships, had given place to a new industrial organization. The wealth of Rhode Island was invested in factories.

**MOSES BROWN AND TEXTILES**—Perhaps it was the excessive caution which was characteristic of his long life, which distinguished him among the four brothers, and which contrasted so emphatically with the adventurous daring of John Brown, which led Moses Brown, after retiring from the family partnership, to seek for his fortune investments less hazardous

than commerce; it is scarcely believable that he foresaw, more than a generation in advance, the decline of foreign commerce that followed the world-disturbing European wars of the Napoleonic era and America's War of 1812, the abolition of the slave trade and its suppression, the cessation of the whale fishery and allied industries, and the changes resulting from the introduction of steam navigation and the building of steam railways. Yet it was the wealth of Moses Brown and his willingness to spend his money to finance the experiments and projects of Samuel Slater which opened the gateway of a new opportunity for Rhode Island just as the period of successful foreign commerce was passing. The immense wealth accumulated in foreign commerce was available for investment in mill sites, water rights, buildings and machinery; nature had provided for Rhode Island an abundance of water and water-power, the Blackstone and the Pawtuxet Rivers were lined with factories within a generation, with less intensive, though still notable developments along the Pawcatuck and beside inland rivers, lakes and ponds furnishing water for bleaching, dyeing and finishing processes. Textile factories dotted Rhode Island, and with them other mills producing textile machinery and tools and supplies used in the dominating industry.

The following is a suggestive rather than a complete or comprehensive outline of the new development: The factory project of Almy, Brown & Slater at Pawtucket was the first successful American cotton manufactory, and continued for several years to be the only project of the kind that was so profitable as to be successful. Job Greene had built a cotton mill at Centreville in the Pawtuxet Valley in 1794. William Almy and Obadiah Brown purchased a half-interest in 1799, and the remaining half-interest two years later. Under their management the enterprise became profitable and the cotton textile industry was launched in the Pawtuxet Valley on a successful basis. Other mills were built in Warwick: Across the river from the Centreville mill, by the Warwick Manufacturing Company, in 1807; at Natick, 1807; at Crompton, 1807; at Lippitt, 1809; at Pontiac, 1810; at Phenix, 1811, 1812; at Riverpoint, 1812; near "Flat Top," 1816. The Clyde Bleachery and Print Works was established in 1828. The rapid development in the town of Warwick was characteristic rather than exceptional. Within twenty-five years of the coming of Samuel Slater to Rhode Island (1795-1820) Rhode Island cotton factories employed 26,000 operatives and turned 29,000 bales of cotton annually into 27,840,000 yards of cloth. Other developments in the Pawtuxet Valley included the building in Coventry at Anthony by Richard and William Anthony of "one of the largest mills in the state at that time" in 1805. Mills were built in Coventry, at Fairbanks, 1800; at Arkwright and Coventry Centre, early in the nineteenth century; at Spring Lake, 1818; at Harris, 1822.

James De Wolf, that versatile native of Bristol, who had made a fortune in the slave trade, and another fortune by privateering during the War of 1812, bought the mill at Arkwright in 1817, and sought still another fortune in the textile industry. He was the characteristic merchant prince who had become a captain of industry. His activity in the slave trade was only one of his maritime enterprises; the privateer "Yankee," fitted out by James De Wolf, in nine weeks sent eight prizes valued at \$391,500, into Bristol. The "Yankee" in less than four years made six cruises, captured forty prizes valued at not less than \$1,000,000, and destroyed other British vessels and cargoes valued at \$5,000,000. James De Wolf was as successful in the textile industry as he had been in maritime commerce, and in politics, in the period in which the textile industry had become the dominating factor in the economic life of the state, James De Wolf was one of the textile manufacturers whose strength in industry made them successful candidates for the highest political offices in Rhode Island. James De Wolf became United States Senator.

The Brown brothers and their partners followed Moses Brown into the textile industry, and the twentieth century firm, Goddard Brothers, which carries on the business originally of the firm of Brown & Ives, is engaged principally in manufacturing and marketing textiles.

The Lonsdale Company, engaged in various major textile enterprises in the Blackstone Valley, founded in 1820 and incorporated, 1837, was only one of several Brown & Ives corporations. Other early cotton mills, indicating both rapid extension of the industry and its early distribution in places made favorable, by water and water-power, were established, as follows: In Cumberland, at Robin Hollow, 1801; in Smithfield, at Central Falls, 1805, and at Slaterville, where the Branch River falls forty feet, 1807; in Johnston, the Union Mill, 1808; in Richmond, 1810, and another at Wyoming, 1814; in Smithfield at Allenville, 1812; in Scituate, the Richmond Mill, 1812, and the Red Mill, 1814, and a mill at Rockland, 1812. The first cotton mills at Woonsocket were built in 1822-1827. Other cotton mills built, or older mills converted into cotton mills before 1850 were located: In Cranston, at Cranston, Moshapaug, and Pawtuxet; in East Greenwich, the Bay Mill, the Orion Mill, and the Bleacheries; in North Kingstown, at Hamilton and Lafayette; in Scituate, the Scituate Manufacturing Company, and the Clayville, Ponegansett and Elmdale Mills; in Smithfield, at Georgiaville, Greenville, and Stillwater; in Westerly.

A glance at a map of Rhode Island and the identification of the places named as locations for early cotton mills immediately establishes association with the principal river systems: The Blackstone, with its vigorous west branches, known as the Branch River in Smithfield, and in Burrillville as the Clear River; the Woonasquatucket, with its network of feeders in Johnston and Smithfield; the Pawtuxet, north and south branches, in Cranston, Scituate, Warwick and Coventry, and the Flat River extension far westward into the last-mentioned town; shorter waterways in East Greenwich and North Kingstown; and in the southwest corner of Rhode Island the Pawcatuck, with the Ashaway River and the Wood River in Hopkinton and Richmond, and the east branch dividing Richmond and Charlestown. The map will also show a long list of names of villages along these river systems, each of which is the home of one factory or more, whether the latter be one of the early cotton mills still engaged in a century-old business or one of the newer factories engaged in the old or in some modern diversified branch of industry. The map is convincing; it shows that the third stage in Rhode Island's economic history, like the earlier two, was related to water and water-power, but in this instance to the rivers of Rhode Island rather than to Narragansett Bay. Rhode Island had changed almost in a quarter of a century from a maritime-commercial state into an industrial state. The capital that had been invested in commerce was gradually withdrawn; fewer ships were built and more were sold. The wreck of the "Ann & Hope," Brown & Ives ship, January 11, 1806, had marked the turning point from the hazard of maritime commerce to the calm security of cotton textiles. Finest ship ever built in Narragansett Bay, the "Ann & Hope" had cost her owners \$50,000; she carried a cargo valued at \$300,000. Driven ashore on Mohegan Bluffs, Block Island, during a heavy snowstorm, the wreck was sold for \$393, and very little of the cargo was recovered.

OTHER INDUSTRIES—Rhode Island had been unfortunate had all her capital been invested in cotton textiles. That diversity of products which has characterized the second half of the nineteenth century and the first quarter of the twentieth century and which has saved Rhode Island from total depression on many an occasion when a leading industry has not been prosperous began early in the history of colony and state. The rise of industries of various types has been noted in earlier chapters; the extension of these and the inauguration of new industries in the first half of the nineteenth century was almost as remarkable as the development of cotton textiles. The General Assembly was friendly to the development of industry. David Buffum was permitted to use half the cellar of the State House at Newport in 1792 to begin the manufacture of cotton goods; and in the same year a bounty on the production of duck was offered. Giles Hoxsie, who believed that a foreign market for bottled beer could be developed, was granted in 1795 use of part of the State House cellar to experiment.

**WOOLENS AND WORSTEDS**—The English government had frowned upon the manufacture of woolen textiles in America, lest it interfere with the British monopoly in the production and sale of cloth; hence in colonial America production was limited to homespun. The first broadcloth manufactured in Rhode Island, and probably in America, was made in Cranston by the Bellefonte Manufacturing Company, established by William and Christopher Rhodes in 1810. Other early woolen and worsted mills were established as follows: In North Kingstown, at Davisville, 1800, and Sandy Hill, 1815; in Hopkinton, at Ashaway, 1816; in South Kingstown, the Hazard enterprises, 1804, 1819, 1847; in North Providence, at Allendale, 1822; in Pawtucket, the Pawtucket Worsted Company, 1820; in Woonsocket, by Edward Harris, in 1831; in East Greenwich, 1836; in Westerly, the Pawcatuck Company, 1814, and the Stillman Company, 1840; in Providence, the Valley Worsted Mills, 1842. An earlier enterprise, the Providence Woolen Manufacturing Company, 1812, was a failure financially. The introduction of power machinery in woolen manufactures was later than in cotton. Rowland Hazard introduced carding machines at Peace Dale and, in 1814, installed at Peace Dale the first woolen power looms used in America. The product was saddle girths and webbing; the loom was invented by Thomas R. Williams of Newport. The woolen and worsted industry was on a firm foundation in Rhode Island, but because of English competition, did not develop so rapidly as cotton manufacturing. The nineteen factories in 1832 employed 383 operatives and produced annually goods valued at \$215,835; forty-five factories in 1850 employed 1758 operatives and produced cloth valued at \$2,381,825. What would Rhode Island do when there were no more water rights to be acquired; was the development of the textile industry to cease? The improvement of power-driven textile machinery and of stationary steam engines serving as power plants furnished a solution of the problem, and the answer, "use steam-power where water-power is not available." Profits on textiles were sufficient to warrant recourse to steam, both as an auxiliary to failing water-power in dry seasons and as an independent source for driving mill machinery. The Providence Woolen Manufacturing Company used steam-power in its factory in 1812, and two years later the Providence Dyeing and Calendering Company installed a steam engine built in Philadelphia at a cost of \$17,000. The Newport Steam Factory was incorporated in 1831; the Namquit steam cotton mill was built at Bristol in 1836. As steam engines were improved and coal replaced wood as fuel, other steam mills were established in Providence, Warren, Fall River and elsewhere.

**PRINTCLOTHS**—Calico printing from wooden blocks, the first in America, began at East Greenwich in the Mathewson & Mowry factory in 1790. A bleachery erected at East Greenwich before 1850 was converted into a calico printing factory. The earliest calico printing was not a success financially. Schaub, Tissot & Dubosque printed calico from wooden blocks in Providence in 1794. The Clyde Bleachery and Print Works, established in Warwick in 1828, engaged first in bleaching and finishing white cotton goods, adding single-color printing machines in 1833 for producing indigo blue and white calico prints. The plant was enlarged from time to time, and new printing machines were installed, until the company, by the middle of the century, had equipment for printing calico designs in eight colors. In later development fancy dyeing and printing, as well as new styles of finishing cotton cloth, were introduced. The Sayles Bleachery at Pawtucket, 1847, was the beginning of one of the world's largest textile finishing organizations. The Dunnell Print Works, also in Pawtucket, were in operation so early as 1817. Dyeing and bleaching, and novel methods of finishing cloth, lent a variety to the product that promoted sales; Rhode Island manufacturers were able, not only to match the products of competitors at home and abroad, but to surpass both in fineness and finish.

TEXTILE MACHINERY AND OTHER METAL PRODUCTS—While his name properly is associated with the first successful machine cotton spinning in America, Samuel Slater was a designer and builder of textile machinery quite as much as a textile manufacturer. In his later years, after success at Pawtucket had been achieved, Samuel Slater attributed his willingness to continue there, in spite of almost disheartening failure attending his earliest experiments, to his love for Hannah Wilkinson, daughter of Oziel Wilkinson, to whose home Moses Brown sent Slater as a boarder. Slater married Hannah Wilkinson, and the marriage into the Wilkinson family was the first alliance, to be followed by others in business enterprises. Oziel Wilkinson and five sons, all blacksmiths, had manufactured anchors, screws, heavy oil presses, farming implements and other cast and wrought ironware in Cumberland and Smithfield before they removed to Pawtucket at the end of the Revolutionary War. One of the sons, Jeremiah Wilkinson, invented a process for making cold-cut tacks, and later another for making cold-cut nails out of rolled iron bars. Another son, David Wilkinson, was inventor of a gauge and sliding lathe for which Congress made him an award in money in lieu of profits on a patent which expired before profits were earned. He had been associated with Elijah Ormsbee in the construction of the latter's steamboat. David Wilkinson also cast the first solid cannon, and bored it out with a lathe driven by water-power. Seventy-six cannon of this type, for arming fortifications and the new American fleet of frigates, including the "Constitution" and the "Constellation," were cast and bored in Rhode Island in 1795. Isaac Wilkinson, another son of Oziel Wilkinson, cast sixty cannon at the Franklin Foundry in Providence for use in the War of 1812. For the same war, Stephen Jenks manufactured 10,000 muskets at Central Falls. The Wilkinsons, as might be expected, extended their operations to include manufacturing textile machinery designed by their son and brother-in-law; indeed, the Wilkinsons made some of the earliest machines planned by Samuel Slater. Other Rhode Island iron workers followed the Wilkinsons in building the new textile machinery, including the Slater spinning machines, power looms as the latter were introduced, and the novel types of winding, braiding and ring spinning devices invented by John Thorp. Thus the foundation was laid for what was to become one of the greatest of Rhode Island industries, the manufacture of textile machinery, not only for Rhode Island mills but for mills elsewhere in America and even in Europe. The J. & P. Coats Company, before removal from Paisley, Scotland, to Pawtucket, was equipped with machines built in Rhode Island.

Some of the earlier establishments engaged in making textile machinery were the Wilkinson foundry, the foundry of Eleazer Jenkins, Pitcher & Gay, Pitcher & Brown, Charles A. Luther Co., all of Pawtucket; Fales & Jenks, of Central Falls; Joseph and Ebenezer Metcalf, of Cumberland; Nichols & Langworthy, of Hope Valley; the Franklin Machine Company, the High Street Foundry (later Builders' Iron Foundry), the Phenix Iron Foundry, the Cove Machine Company, the Providence Machine Company, all of Providence; Woonsocket Foundry. Besides these, there were iron foundries, machine shops and metal working shops in various parts of Rhode Island, including the Brown & Sharpe Manufacturing Company, 1833; the Eagle Screw Company and the New England Screw Company, 1838, later combined as the American Screw Company; and the Corliss Steam Engine Company. The last, under the management of George H. Corliss, produced in 1849 what was then considered to be the "perfect" stationary steam engine. The Benjamin Wilbur Bobbin Works, Scituate, established 1818, produced bobbins and spools; H. L. Fairbrother & Co., Pawtucket, 1834, leather-lacing and picker leather; Atwood Crawford, Pawtucket, 1848, spools; Daniel Fiske, Scituate, 1826, axes, scythes, spindles. These were only a few of the factories manufacturing accessories for mill machinery.

Alpheus Burgess, 1835, made picker leather, leather findings and leather belts for machinery. Spindles were made in Burrillville so early as 1831. The diversity of Rhode Island factory production before 1850 is indicated further by the Fletcher Manufacturing Company,

1793, braids, webbing, wicks; Oliver Johnson, 1833, paints; Smith Granite Company, Westerly, 1846, monumental stones; Gorham, Webster & Price, 1831, jewelry and silversmithing; Brown & Winslow, 1840, rubber goods; Walter Coleman & Sons, 1778, yacht and ship pulleys; Providence Brass Foundry, 1800; New England Butt Company, hinges, 1842; Seth Arnold Medical Company, 1842, proprietary medicines; Mason Manufacturing Company, 1837, soaps; Providence Gas Company, 1847; Barstow Stove Company, 1836; Household Sewing Machine Company, 1847. The Butterfly Factory, well-known because of the butterfly design in the stone work, and because the bell that called operatives to work was the ship bell of the "Guerriere," captured by the "Constitution," was built in 1813. The Electro-Magnetic Company was chartered in 1838 to build machines introducing the principles of electricity, and in 1847 the Rhode Island Magnetic Telegraph Company. The Scituate Silk Company, 1836, was the manifestation of an attempt to introduce the production of silk and the manufacture of silk fabrics. At the time silkworms and mulberry trees were imported, and at a fair a doctor wore a suit of clothes made from silk produced on his own estate. The Barrington Brick Company was chartered in 1846.

**RHODE ISLAND ENTREPRENEURS**—Many of the men who were prominent in the new enterprises that marked the opening of the industrial era in Rhode Island bore names that had become familiar in Rhode Island history. They were descendants of hardy pioneers who had followed Roger Williams, John Clarke and Samuel Gorton immediately or eventually in the early migration to the Narragansett Bay country of soul liberty; scions of the old Rhode Island houses of Brown, Harris, Lippitt, Power, Jencks, Hazard, Greene, Tillinghast, Rhodes, Dyer—to mention but a few. There were, besides, sons of later pilgrims—Wilkinson, Allen, Sayles and Sprague; scions of new Rhode Island families—De Wolf, Francis and Ives; and newcomers, including Slater, Sullivan Dorr and Corliss. Two each of the Dyers and the Lippitts, fathers and sons; and two of the Spragues, uncle and nephew; besides a Francis and an Allen, became Governors of Rhode Island. A son of Sullivan Dorr, Thomas Wilson Dorr, was called Governor Dorr because of his election as Governor under the People's Constitution.\* Both Spragues, one of the Lippitts, Francis, Allen and De Wolf became United States Senators. Four Allens were prominent in the industrial movement—Zachariah, who established a broadcloth mill in 1832, introduced power-driven machinery and new processes as these became available, invented an extension roller for processing worsted, sold his woolen machinery and began to manufacture cotton cloth in 1839; Zachariah, who was a most distinguished, internationally-known scientist, inventor and writer on scientific and philosophical questions while still intimately associated with the new industries; Philip, who became Governor and Senator, and Crawford Allen—all were engaged in textile manufacturing and associated with allied enterprises.

The rise of the house of Sprague in three generations to national reputation and scarcely questioned leadership in textile manufacturing, in finance and in politics, was romantic and spectacular. William Sprague, 2d, was one of Rhode Island's earliest calico printers. A farmer, his first venture in textiles was the conversion of a gristmill in Cranston, in 1808, into a small factory for carding and spinning cotton. Not until the factory was destroyed by fire five years later and replaced by a much larger stone building, did Sprague venture a considerable investment in power-driven machinery. He was energetic, industrious, thrifty, capable, honest in his dealings with other men, winning their confidence, and was eminently successful in laying a firm foundation for the family enterprises. With William and Christopher Rhodes, who had been manufacturing textiles, William Sprague, 2d, built a stone mill at Natick in Warwick in 1821. This was a large structure for the period, 100x44 feet, and four stories high. It became the nucleus for the property known as the Natick Mills in the A. & W. Sprague Company, and by the same name when owned by the B. B. & R. Knight Company.

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William Sprague, 2d, transformed his Cranston mill into a bleachery, dyeing and printing factory in 1824. Printing machines were used for primary colors; additional colors were printed by hand from wooden blocks in the earliest processes. Success continued to follow the progressive, enterprising, personal administration of William Sprague, 2d. He was attracted to politics by his interest in the anti-Masonic movement, and in 1832 was candidate on the "anti-Masonic" ticket. He ran third in a series of five elections in 1832, in which the freemen failed to elect a Governor under the law requiring election by majority vote. He died suddenly in 1836, and was succeeded in business by two sons, Amasa and William Sprague, 3d, who carried on the family enterprises under the firm name of A. & W. Sprague. Both sons had been trained in the Sprague factories. William Sprague, 3d, invented a power loom. Amasa Sprague became the immediate director of the factory enterprises; William undertook the function of buying supplies and selling the products. William Sprague, 3d, who, before his father's death had served four terms in the General Assembly, had been Speaker of the House of Representatives, and had served one term as Representative in Congress, continued his interest in politics. He was Governor of Rhode Island in 1838, and failed of reëlection in 1839 under the majority vote requirement. He was elected United States Senator in 1842, but resigned his seat as Senator when his brother, Amasa Sprague, was assassinated December 31, 1843. William Sprague, 3d, continued as director of the Sprague industries under the firm name of the A. & W. Sprague Company, and began the development of a much larger organization, throwing into business the zeal which had carried him so far in politics. He built four additional mills—the two Quidnick Mills, on the Flat River in Coventry, in 1848, with a combined equipment of 750 looms; the Arctic Mill, on the Pawtuxet River, 1852, with 612 looms; the Baltic Mill, on the Shetucket River, in 1854, one of the most extensive of the Sprague properties. William Sprague, 3d, died in 1856, and was succeeded, in the A. & W. Sprague Company, by his son Byron Sprague, and his nephews, sons of Amasa Sprague, Amasa and William Sprague, 4th. William Sprague, 4th, the aggressive heir of the Sprague energy, besides becoming Governor of Rhode Island, 1861-1863, and United States Senator, 1863-1875, purchased other mills and water rights for a planned extension of the Sprague organization on a national basis in states so widely apart as Maine and Georgia. His was a vision of a chain of associated enterprises as magnificent in conception and as dominant in the field of textile manufacturing as any of the major business combinations of the twentieth century. Under his administration the Sprague assets reached an estimated value of nearly \$20,000,000† in 1873, when the company made an assignment during the stress of the national financial panic. The firm's liabilities were estimated at \$8,000,000, but immense losses were incurred in the process of enforced liquidation, and the A. & W. Sprague Company never recovered. The career of the Spragues was exceptional and extraordinary, but previous to 1850 it was characteristic of the spirit pervading the textile industry in Rhode Island. Mills were established and administered personally by their owners, or the sons of owners, or other close relatives. The management was intimate and painstaking in attention to detail. Owners worked side by side with employes, and sons of owners went into the factories in order to learn the textile business thoroughly. The rare combination of mechanical ability, inventive genius, thorough familiarity with every aspect of the industry, and keen insight in business supplemented the unparalleled natural resources of Rhode Island available for industrial purposes in making the textile industry first, and other industries later, sources of wealth that increased almost as if a King Midas had touched Rhode Island and turned it into precious metal.

DEVELOPING RIVER WATER-POWER—Rhode Island needed two other developments to make possible the success that attended manufacturing: First, an adequate internal transportation system; and, secondly, a financial organization that would facilitate the transmutation

†\$19,450,000.

of wealth into capital. The lowest waterfall in the bed of a river marks the dividing line between navigable water and water available for power and other manufacturing purposes. The earliest prosperity of Rhode Island was related to easy access to an unsurpassed wealth of navigable water; the later industrial development lay principally along the banks of non-navigable streams and inland fresh-water ponds, lakes and rivers. Thus navigation of the Seekonk River, by which name the Blackstone is known below the falls, stops abruptly at Pawtucket falls; above for two score miles to Worcester the Blackstone is lined with factories, power plants and water-right reservations, and with factory villages, including, besides those compacted into the three industrial cities of Pawtucket, Central Falls and Woonsocket, the Rhode Island villages at Valley Falls, Lonsdale, Berkeley, Ashton, Albion and Manville. From Woonsocket westward for a score of miles lie the Branch and Clear Rivers, feeders of the Blackstone, with factories at Union Village, Forestdale, Slaterville, Nasonville, Glendale, Plainville, Harrisville, Pascoag and Bridgeton. One mile south of Pawtucket Falls, a dam holds back the waters of the Ten Mile River to form Omega Pond, from which a line of factory sites stretches on toward Attleboro, with mills at Phillipsdale, Rumford, Lebanon, Hebronville and Dodgeville, the last two Massachusetts properties developed by the Rhode Island house of Knight. Similar exploitation of water-power and water-rights occurred along the Moshassuck and the branch known as the West River; along the Woonasquatucket, a river tired out by the labor of turning factory wheels long before it mingles a sluggish flood with the Moshassuck to form the Providence River; along the Pocasset, both branches of the Pawtuxet and the Flat River; and far to the southwest, the Pawcatuck and its feeding branches.

The value of water-power was so little appreciated before the era of power-driven machinery and the factory that the Rhode Island General Assembly in the colonial period sometimes hesitated between granting a right to dam a stream to an enterprising mill man and safeguarding the fishery by insisting rigorously that the passage of fish should be free and unrestricted during the spawning season. At one time it was proposed to cut a channel around the rugged, rocky falls at Pawtucket, thus to assist fish to ascend from salt into fresh water; the consequence might have been destruction or deterioration of one of the most valuable water-rights in Rhode Island. In the development of mill sites those nearest to tide water and navigable streams were chosen first, because the raw material for manufacturing could be brought almost to the factory door by water routes, and the finished product likewise could be shipped practically without expense for carting. Thus it happened that Pawtucket preceded Woonsocket by a full quarter of a century as the location for large industrial enterprises; Pawtucket had the advantage over the then northern village of being more than ten miles nearer to navigable water.

**ROAD BUILDING**—The building of factories along the banks of inland rivers necessitated a simultaneous construction of roads that should be passable for the heavy types of wagons employed in carrying alternately loads of raw material from wharves to factories, and loads of the finished product from factories to wharves. The roads were constructed; in forty years, 1803-1842, toll-road companies were incorporated by the General Assembly with the frequency of almost one a year. The introduction of the toll-road plan indicated the purpose of taxing the cost upon the traffic; it was a departure from the colonial device of promoting the construction of roads and bridges principally by granting lotteries. The conception of a state-wide interest in the construction of arteries of travel was to appear much later in the history of Rhode Island. Along with the building of toll roads went the construction of toll bridges, including the two bridges across the Seekonk, the Washington bridge built by John Brown and his associates, and the old Central bridge, later the Red bridge, undertaken by Moses Brown and associates almost so soon as John Brown's plans were disclosed. The Howland Ferry bridge across the Seacownet River and Kelly's bridge across the Warren River

were early toll bridge projects. Both the Seekonk River bridges were swept away by storm and high tide in 1807, and were replaced by new structures, also toll bridges. The toll roads and toll bridges combined to furnish the system of internal transportation needed to carry the traffic incident to the expansion of manufacturing, and also the new lines of stage coaches, which were established as a response to a demand for direct overland passenger transportation between Rhode Island towns and cities and other places in Connecticut and Massachusetts, as business and other relations became more intimate in the new industrial régime. The chartering of toll roads and bridges stopped abruptly, with the incorporation and building of steam railroads, and the stage coaches soon gave way to railway service. The construction of the Mount Hope bridge in the twentieth century as a toll bridge marks a return in Rhode Island to a plan that had been abandoned three-quarters of a century earlier.

One more, and that a major transportation project, was developed before the steam railroad. The Blackstone Canal, planned by John Brown in 1796 to connect Providence with Worcester by water *via* the Blackstone Valley, and ultimately, by westward extension, to reach the waters of the Connecticut River, perhaps near Springfield—a project worthy of the daring initiative of the most valiant of the four brothers—was revived in 1823, when both the Rhode Island General Assembly and the Massachusetts General Court granted charters each to a state company, and the state companies united to conduct a joint enterprise. The devices of state incorporation for interstate business and of trusts and holding companies had not been developed a century ago to the fineness and finesse that promotes modern major business enterprises. The Blackstone Canal was principally a Rhode Island project; the capital stock of \$500,000 was allocated \$400,000 to Rhode Island and \$100,000 to Massachusetts. The names of the Rhode Island trustees—Edward Carrington, Stephen H. Smith, and Moses Brown Ives—are suggestive of the Rhode Island promoters. Rhode Island's allotment of capital stock was oversubscribed to the amount of nearly three-quarters of a million dollars, when offers of \$1,130,000 for a subscription limited to \$400,000 were received within three hours after the books were opened. It was unfortunate that so much must be rejected; the canal cost \$750,000 for construction, and began operation with the handicap of an indebtedness equal to half its capital, involving interest charges which were fixed, and not, like dividends, related to earnings. As constructed, the canal was a trench not quite forty-five miles long, with a minimum width of forty-five feet and minimum depth of four feet. Where feasible it followed the bed of the Moshassuck River to Scott's Pond, above Lonsdale, and thence the bed of the Blackstone River. The connection between the Moshassuck and Blackstone Rivers was through Scott's Pond and Cranberry Pond, the waters of which were raised by building an embankment. Cranberry Pond was raised nearly twenty feet, and the "floating island," which for many years moved on Scott's Pond as driven by the wind, no doubt was a mass of compactly matted root systems lifted from the bottom by rising water. The combined Scott's and Cranberry Ponds became three locks in the canal system. Altogether forty-nine locks were constructed to overcome the rise of 450 feet from tide water in Providence to Worcester. The canal was completed and opened for business on July 1, 1828, when the "Lady Carrington," passenger packet, a vessel specially constructed for use in the canal, made the trip from Providence to Worcester. The "Lady Carrington" returned the following day, thus opening a daily passenger service alternately up and down the canal. The "Lady Carrington" was seventy feet long, drew less than one foot of water, and was hauled by two horses at a speed of four to five miles an hour. The Providence and Worcester Canal Boat Company operated a fleet of twelve freight barges on the canal, and there were, besides, another dozen of privately owned freight barges serving corporations along the line.

The canal was abandoned in 1849, when its charter was revoked on the completion of the Providence and Worcester Railroad. It had not been a success financially, and the investment in the capital stock had occasioned a total loss.\* Competition with the railroad company was.

\*Total dividends were less than \$2 per share.

of course, impossible. Aside from that, the canal company was involved, almost from the beginning of operation, in litigation with the owners of water-rights along the Blackstone River, involving questions as to the canal company's right to divert water from the streams and ponds along the line for flooding its locks, and as to the obligation of the canal company to pump back into the river and ponds water sufficient to maintain the levels necessary for storage and mill operation. The connection of Scott's Pond with the Blackstone River reopened the pre-glacial course of the Blackstone down the Moshassuck River valley, and threatened destruction of the water-rights along the modern course of the Blackstone by which it reaches Pawtucket Falls and the Seekonk River, in a drop of seventy-four feet. The canal company was required to pump back into the Blackstone within an hour water drawn off through the locks in Scott's Pond. When the canal charter was revoked the company was ordered to "close the outlet for Scott's Pond into the Moshassuck River, so as to prevent any flow or leakage therefrom, and also, in all places from which locks are removed, to fill up the canal, or use some other manner to prevent escape of water below its present ordinary level." The Lonsdale Company acquired the canal water rights in Scott's Pond, and the enforcement of these prevents the Saylesville Bleachery from diverting water therefrom for use in its factory. The Blackstone Canal, while serving the Blackstone Valley mills as a low-priced transportation system, as an intruder in the use of established water-rights incurred hostility; modern capitalists, no doubt, would solve the problem by buying water-rights, and selling power and water in a thoroughly organized development. The canal was doomed by the building of a railway before a master capitalist had appeared.

The construction of railways was a solution in part of internal and in part also of external transportation problems. The first railroad serving Rhode Island was a toll-rail-turnpike between Providence and Boston, constructed under a charter granted in Rhode Island in 1831 and supplemented by a Massachusetts charter. It was estimated in 1829 that 29,000 tons of freight passed annually, most of it overland, between Providence and Boston, while two of several stage coach lines carried 25,000 passengers annually. Both freight and passengers could be moved more economically and more expeditiously on a railroad. The Boston and Providence Railroad consisted of a roadbed equipped with rails, extending from India Point through Attleboro, Mansfield and Canton to Boston. The railroad company operated coaches and carts drawn by horses; any person, as the charter read, owning a coach or cart with standard gauge wheels might drive on the road, paying toll for using the rails. The road was similar to the horse-power railroads in use in the British Isles before the introduction of steam locomotives. Four years after the granting of the charter, in June, 1835, steam locomotives had replaced horses, and the company was carrying passengers and freight by steam power from Providence to Boston and return. Other railroads were incorporated and constructed† as follows: The New York, Providence and Boston, 1832, which operated between Providence and Stonington, 1837; the Providence and Worcester, 1844, 1848; Providence, Hartford and Fishkill, 1852; Providence, Warren and Bristol, 1854. The Boston and Providence was connected with the Stonington line by steam ferry, and the journey to New York was completed by boat from Stonington. When the Providence and Worcester built the Union railroad station in Providence, the Boston and Providence laid rails for a connecting line from East Junction, near Attleboro, to Boston switch, near Pawtucket, and entered the new station from the east over the rails of the Providence and Worcester. The Stonington line also laid rails to enter and leave the new station from the west, and the Providence, Hartford and Fishkill entered from the same direction. The new railroads in part followed river valleys close to the sites of factories, the business of which furnished freight, or built branch lines and spur tracks connecting with factory yards, and steam railroad transportation drove both stage coaches and overland freight carting lines out of business.

†Second date is date of construction.



OLD RAILROAD STATION, PROVIDENCE

Destroyed by Fire and Replaced by Present Union Station



Rhode Island merchants and mariners had carried on a profitable trade with New York in colonial days in small packets built on fine lines for rapid sailing. The "Hannah," packet, which lured the "Gaspee" to the sandbar and destruction, was one of these vessels. Coastwise traffic, passenger and freight, continued; and increased in volume with the development of manufacturing. Rhode Island had more to sell beyond its borders, and must buy so much more to feed the population in factory villages and to provide them with other necessities of life. Larger vessels than the packets brought into Narragansett Bay cargoes of southern cotton, Pennsylvania iron, and later coal as steam factories were developed. Foreign trade direct with distant countries declined in the first quarter of the nineteenth century, and had practically disappeared altogether before 1850. But the waters of the bay were still busy, and the wharves and warehouses were piled and filled with freight passing in and out, while the passenger service grew by leaps and bounds to meet the exigencies of new business. Until 1817 the traffic was carried exclusively in sailing vessels. The "Firefly," a steamboat built in New York, entered Narragansett Bay, May 28, 1817, and two days later made a round trip from Providence to Newport in eleven hours. The "Firefly" established a regular service between Newport and Providence, which President Monroe patronized in June on his tour of the northern states. Five years later, June, 1822, a steamboat line was established between Providence and New York. John Babcock of Providence, invented the Babcock boiler engine in 1826, an improvement which reduced the consumption of wood on the voyage from Narragansett Bay to New York from fourteen cords to less than two cords. The earlier types of steamboat, in making trips between New London and New York, stopped at New Haven for wood. There was rugged competition for a time between sailing packets and steamboats for the carrying trade, passengers and freight, between Providence and New York, as there was also between stage coaches and steam railroad trains. The number of vessels entering and leaving Narragansett Bay was reduced with the substitution of steamboats for sailing vessels, but the weight of cargoes and the value thereof increased with the growth of the manufacturing industries. Besides, the railroads brought into and carried away from Rhode Island a tremendous tonnage, including on incoming trains vast quantities of food for the population that was no longer supported by the soil.

**BANKING AND CREDIT**--For promoting manufacturing Rhode Island's second need was capital. In colonial days attempts to convert wealth into capital by issuing paper money on the security of land mortgages had resulted disastrously. Ratification of the Constitution had effectually ended state banking so far as the latter involved emitting bills of credit or issuing paper money. An effort to obtain subscriptions for a private "Bank of Rhode Island and Providence Plantations" failed in 1784. Seven years later the Providence Bank was chartered, October 3, 1791, because "well regulated banks are highly useful to society by promoting punctuality in the performance of contracts, increasing the medium of trade, facilitating the payment of taxes, preventing the exportation of specie, furnishing for it a safe deposit, and by discount rendering easy and expeditious the anticipation of funds on lawful interest. . . ." The bank was promoted by John Brown and Moses Brown and their associates; in a letter to Moses Brown from Philadelphia, John Brown advocated the undertaking as "favoring a good and substantial foundation for the commercial, manufacturing and mechanical rising generation." "Without a spring to promote our young men in business here," he wrote further, "they must and will continue to go to such places as will aid them with the means of business; and, in short, all our wealth, I mean the wealth as fast as acquired, in this state must be transferred to other states, who by their banks promote all the valuable arts of mankind." The capital was oversubscribed, and the bank, still in existence, and a flourishing twentieth century institution, was immediately successful. Additional to performing the customary functions of promoting business by extending credit and discounting notes (another form of credit) the bank "promoted punctuality" by recourse to "bank process," a summary procedure

through the operation of which the bank could obtain court judgment and execution on undisputed claims without the delay of trial. A competing bank, the Exchange, later the National Exchange Bank, until absorbed by the Industrial Trust Company, was established in Providence in 1801, and the Roger Williams Bank in 1803. Newport banks were established: Bank of Rhode Island, 1795; Newport Bank, 1803; Rhode Island Union Bank, 1804. Other banks established before 1805 were the Washington of Westerly, 1800; Bristol Bank of Bristol, 1800; Manufacturers' of Pawtucket, 1803; and Smithfield of Woonsocket, 1805. As the General Assembly of the period, in the instance of legislation, not infrequently introduced a statute by a preamble stating the purpose, so early bank charters contained elaborate preambles. Thus the Washington Bank was established, "considering that those banks which are at present established in this state are too remote or too confined in their operations to diffuse their benefits so generally to the country as could be wished; considering the embarrassments into which the farmer is frequently drove for the want of means of stocking his farm at those seasons of the year when money is obtained with the greatest difficulty; considering that in a place particularly fitted by nature to encourage the industry and ingenuity of the mechanic by holding out the sure prospect of a suitable return for his enterprise, nothing is wanting but those little assistances from time to time which banks only can give." The charter of the Rhode Island Union Bank of Newport declared that "in the establishment of banks heretofore the interest of the farmers has not been sufficiently consulted, and the pledge of his real estate, the best security in his power to give, is not accepted"; it proposed "a bank in which the agricultural and mercantile interests should be united." Some of the early banks were associated closely with insurance companies; thus the Newport Insurance Company, chartered in 1799, was merged in the Rhode Island Union Bank. The Providence Insurance Company, 1799, and the Washington Insurance Company, 1800, both marine insurance companies, were merged as the Providence Washington Insurance Company in 1820, and in 1821 began to issue fire policies. The Providence Mutual Fire Insurance Company, established in 1800, issued the first fire insurance policy written in Rhode Island. Zachariah Allen, in 1835, organized the Manufacturers' Mutual Fire Insurance Company, which incorporated in its administration a new principle invented by Mr. Allen, that is, the selection of risks or the regulation of premiums upon the basis of compliance with proper regulations to prevent fires. Allen placed a rotary fire pump and copper-riveted leather hose in his mill at Allendale, substituted central heating for stoves, and shut off parts of his factory by substantial walls; when the insurance companies of his day refused to reduce their premium charges in consideration of the reduced risk, he organized a mutual company to underwrite insurance in textile factories regularly inspected and supplied with fire apparatus and other safeguards. With the rapid development of industrial enterprises and the decrease of ocean commerce, interest shifted in insurance from marine to fire protection, and the insurance companies underwrote fire policies for mills and other factory property. Banks afforded for insurance companies exactly the facilities for business that were needed and the banks also furnished for industrial enterprises the credit for carrying on between investment and realization, purchase of raw material and sale of product; cash for ready money purchases or meeting payrolls; facilities for discounting and paying drafts and notes; for exchange in distant commercial cities; besides all the banking services that tend to promote business, in addition to credit instruments that add the element of flexibility to a sound currency system.

In the first half of the nineteenth century, when both industrial enterprises and banking enterprises were new, there was not that "division of labor" which in the twentieth century tends to make of banking a separate and distinct profession; quite the contrary, there was a substantial identity of banker and manufacturer. In very many instances the same entrepreneurs who launched a manufacturing corporation established a bank or banks to facilitate the process of obtaining or creating money credit. An examination of lists of owners of factories,

or holders of controlling interests in large industrial corporations, and of presidents and directors of banks revealed the identity. Besides the industrial banks, there were also agricultural banks. With rare exceptions the Rhode Island banks of the first half of the nineteenth century were honestly and capably administered; there were few failures, and the operations of banks involved inconsiderable losses. The power to issue bank notes, assumed as lawful until the Supreme Court of the United States held that bank notes were not "bills of credit" within the meaning of the Constitution of the United States,\* was little abused in Rhode Island. The Rhode Island banks continued business without embarrassment when state banks in other parts of the United States closed their doors, and very rarely suspended specie payments, that is, payments in coin or in notes payable on demand. The Rhode Island banks weathered the panic of 1837, although from May 11, 1837, until August, 1838, specie payments were suspended. The General Assembly, while gracious in granting charters, sixty-eight between 1791 and 1838, from time to time established more and more stringent regulations of banks and banking either by general law, or by the introduction of restrictions in charters. The Rhode Island state banks served their purpose admirably; they furnished capital for industrial and other enterprises, and afforded the means whereby the increasing wealth of Rhode Island could be made available as capital. They carried Rhode Island manufacturers successfully through the stress of financial and other business depressions. They did not prevent individual or corporation failures, nor recourse to state insolvency laws that were operative while there was no federal bankruptcy legislation. Along with the commercial banks rose industrial savings banks in various parts of Rhode Island, which served several significant functions, such as depositories for small savings, promotion of thrift, accumulations available for long-time loans on real estate mortgages, and also ready money capital for the commercial banks with which many of the savings banks were intimately associated.

The expansion of bank capital and bank credit in Rhode Island attained notable figures relative to the territory served and the population, but the profitable business, as indicated by the small number of failures, was the most satisfactory evidence that the expansion was not excessive. As it was, the banks furnished the ready money without which the rapid development of industrial enterprises would not have been possible. The success of the banks demonstrated similarly the essential soundness of Rhode Island business, and the remarkable acumen of Rhode Island captains of industry. They had grasped the opportunity to replace intercolonial commerce by recourse to foreign commerce, and had raised Rhode Island from the poverty that followed the Revolution to a new prosperity. Again, they had anticipated the loss of foreign commerce by building industrial enterprises. Even the depression in foreign trade during the embargo preceding the War of 1812, when Rhode Island's exports declined from \$1,600,000 in 1807 to \$240,000 in 1808, was tempered by gains in manufacturing for home markets. The embargo was so far from being unmitigated evil as it was from being an unsought blessing, but it was vastly more effective than the most stringent protective tariff could be in assuring to American manufacturers unchallenged control of home markets. As a manufacturing state Rhode Island reaped from the embargo advantages that did much to offset losses in commerce. Moreover, the embargo accelerated the movement from commerce to industry; energy withdrawn from directing and promoting foreign commerce was directed into the building of factories. The remarkable development of textile mills in the Pawtuxet Valley† and elsewhere was related to the embargo, which set free for attention to factory building the restless groups of adventurers, who anchored their ships and deserted their wharves, and began to build the foundations for a new prosperity where the thunder and splash of falling water, and the whir of belts and the racket of machinery made music that was not so sweet but served as a solace for ears tuned to and longing for

\**Briscoe vs. Bank of Commonwealth of Kentucky*, 11 Peters, 257.

†*Vide supra*.

The dash of ocean wave against the prow,  
The groan of mast and spar amid the gale,  
The rattling halliard, whining shroud and chain,  
And the sharp flapping of the bellied sail.

**ENGLISH COMPETITION**—The end of the war came suddenly, and with it the necessity for a fresh readjustment. The sea was open for commerce again, and English manufacturers began to pour their products into American markets with the purpose of destroying the new American enterprises. It was "well worth while," said Lord Brougham in a speech in Parliament in 1816, "to incur a loss upon the first exportations, in order, by the glut, to stifle in the cradle those rising manufacturers in the United States which the war had forced into existence." In Rhode Island the full effect of the new competition was felt in the woolen industry, which had undertaken to supply the American market. Thus the Providence Woolen Manufacturing Company, a new enterprise, completely equipped with steam-driven machinery for the production of broadcloth, closed its doors when the end of the war brought to the American market English cloth at prices lower than the cost of production in Rhode Island. Cotton textile manufacturing faced not only English competition in sales of cloth, but English competition for the cotton crop, which had the effect of raising the price of raw cotton per pound from thirteen cents in 1814 to twenty-seven cents in 1816. The tariff act of 1816 helped to save Rhode Island industry from disaster. A great many of the 130,000 spindles in Rhode Island factories in 1815 were idle temporarily. The acute situation was solved by the introduction of power looms, which not only restored the balance between spinning and weaving that had been upset by Slater's success, but also enabled Rhode Island factories to produce cloth at prices favorable for competition with England in a home market stabilized by the protective tariff. The fact that the building of factories in Rhode Island was in large part a process of reinvesting capital withdrawn from commerce avoided a conflict between manufacturers and merchants, the former favoring protection for the assumed benefit to industry, and the latter opposing protection because of a belief that it would destroy the carrying trade. Rhode Island Senators and Representatives in Congress uniformly favored protection even at times when other New Englanders in Congress were ranked with the opposition. Had the captains of industry in Rhode Island been exclusively new men, instead of a group including new men, but recruited largely from scions of old families who had vision sufficient to understand the developing economic changes, the conflict between seaport and factory village that disturbed Massachusetts might have been duplicated in Rhode Island. In the industrial movement, as in others from the earliest days of the colonies, Rhode Island was far in advance of New England generally. Not until 1824 had the rest of New England definitely followed Rhode Island in supporting the protective system, and in 1828 Daniel Webster was still engaged in trying to "explain" his about-face on the tariff, which was not, however, any more remarkable than other changes made by that opportunist in a checkered political career, in which principle was too often surrendered for expediency or preference. Webster was consistent only in his love for the union, and rose to the stature of statesmanship in his exposition of the Constitution of the United States.

**GENUINE PROSPERITY**—The prosperity of Rhode Island was genuine. It withstood disaster such as the flood of waters in 1807 which swept away the two bridges across the Seekonk, and the Mill Street and Smith Street bridges across the Moshassuck in Providence. The bridges were rebuilt. Again, even after the War of 1812 had interrupted normal commerce for two years, Rhode Island recovered speedily from the effects of the September gale of 1815, which wrought havoc by violence of wind and water along the shores of Narragansett Bay. Tradition relates that the wind was so terrific that it carried salt spray inland nearly fifty miles to Worcester, leaving a salty deposit on window panes. Moses Brown's account of the storm confirms the tradition. Moses Brown was a Quaker, and throughout his long life

was given little to exaggeration of sober facts. The town of Providence, five years after the storm, appointed Moses Brown, Tristram Burges, Samuel Eddy, George Jackson and John Howland as a committee to collect information related to the storm for preservation as history. The committee did not complete its task, but Moses Brown left a manuscript relation of his own recollections.

SEPTEMBER GALE—The gale of September 22-23, 1815, called a “line storm” because of coincidence with the autumnal equinox, began as a rainstorm on September 22, continuing through the day and night with wind from the northeast. The wind increased during the night and shifted, coming from the east early on the morning of September 23, from the east-southeast at nine o’clock, from the southeast at ten, and reaching the southwest at noon. At noon the storm had abated and the sun shone brightly on the wreck produced by two hours of hurricane and surging water. From 9:30 to 11:30 “the storm was tremendous, and beyond, far beyond, any in the memory of any man living” wrote Moses Brown. “On measuring the height of the tide from a well-known mark of the highest tide ever before known by our oldest people, this tide of 1815 appeared to be seven feet and five inches higher than any before known by them.” Another account placed the height reached by the water in Market Square, Providence, as twelve feet higher than the spring tide mark, referring to the high tide with full moon nearest the vernal equinox. A bronze tablet marking the height reached, which formerly was attached to the building at the corner of Westminster Street and Washington Row, is now on the old Market Building.\* The water flooded the bed of the Providence River and filled the gaps between east and west sides, reaching easterly up the slopes toward Benefit Street to the level of second story windows and westerly to Aborn Street.

Fortunately the wind abated a full hour before the time for high tide, and the waters receded rapidly. The wind and rising water tore vessels from their moorings; the “Ganges,” ship, 550 tons, owned by Brown & Ives, was driven through and over Weybosset bridge, swung her bowsprit through the upper story of the Washington Insurance Company’s building, and flung on in mad career across the cove to a last resting place at the foot of Smith’s Hill. With her, when the storm had passed, were two other ships, nine brigs, seven schooners and fifteen sloops. “The damage by the extreme violence of the wind,” wrote Moses Brown, “extended to driving from their anchors and fastenings all the vessels, save two or three, that lay in the harbor and at the wharves; some against the bridge with such force as to open a free passage for others to follow to the northern extremity of the cove above the bridge, to the number of between thirty and forty, of various descriptions from 500 tons, downward. . . . Other ships and smaller vessels were lodged below the place of the bridge, on each side of the river, on the wharves. Scarcely a store that stood below Weybosset bridge, on both sides of the river, round the harber to India bridge, but what was damaged or entirely broken to pieces.”

“William Aplin went on board a vessel, then lying at a wharf in the southerly part of the town, to render her situation more secure, by getting other fasts from her to the wharf,” wrote Staples. “He succeeded in this, and with such effect that, in a short time, she raised the wharf, which was of wood, and together with parts of it was on her way up the river to the cove.” Aplin himself, after attempting to leap from the vessel to another, found himself in the water, and was carried by it upstream and cast ashore at Great Point on the shore of the cove. Two men were killed during the storm and many others were injured.

The hurricane alone unroofed and damaged many houses that stood out of reach of the waters. “Many houses and barns,” wrote Moses Brown, “were blown down by the excessive violence of the wind, and many others removed or broken by the height of the tide and violence of the waves; by which India Point bridge and the east and lower end of Central bridge,

\*Chamber of Commerce.

were carried off, and by their joint influence the Second Baptist Meeting House on the west side of the river was destroyed from the foundation." The First Baptist Meeting House was shaken and the spire bent before the blast. Five hundred buildings in Providence were destroyed. Moses Brown estimated the damage in the town of Providence alone as "near a million of dollars." The total loss to property in the state, including shipping at other places than Providence, was not less probably than \$1,500,000. The work of retrieving the ruin was begun on the afternoon of September 23. In Providence the work included rebuilding the bridges; it was carried forward systematically. The storm had removed or destroyed many old buildings and old wharves. In the course of new construction new harbor lines were established with stone retaining walls, more substantial wharves were built, broken places in the shore line filled in, and rows of new warehouses arose along new water front streets, long before projected, but realized in physical form after the disaster. As an instance of the progress made in the rehabilitation of the water front in Providence, Weybosset bridge had been entirely reconstructed in July, 1816; it was 120 feet long and 95 feet wide, and marked the limit of navigation in the Providence River, as it was built without a draw.

**INCREASE OF POPULATION**—The population of Rhode Island more than doubled in the fifty years from 1800 to 1850, from 69,122 to 147,545. In the same period the population of Providence County more than trebled, from 25,854 to 87,626. Washington County was stagnant, 16,135 to 16,430. Kent and Bristol Counties had approximately doubled, and Newport County had gained not quite twenty per cent. The three northern counties had become in large part industrial or were sharing in the industrial development of the factory towns. The town of Providence, with 7614 inhabitants in 1800, had become the city of Providence five times greater in population, with 41,513. Three towns in Newport County had lost population, but Newport, still a very important maritime city, had gained, as had Tiverton, because of the industrial development at Fall River. Within the increase and shifting of population, marked changes had taken place also in the economic and social life of the people. The building in less than half a century of an industrial state had involved readjustments in the ways in which the majority of the people lived that were far-reaching in their significance. A population that had been principally an independent yeomanry attached through intensive agriculture to the soil had become urban. The vast majority were employes; an industrial feudalism had arisen.

The coming of Samuel Slater to Rhode Island marked not only the beginning of successful and profitable manufacturing of cotton textiles, but also the introduction of the factory system of production, through the substitution of machinery for tools, the supplementing of the work of a few artisans by a plethora of operatives, and the growth of population that could not be supported by food raised within the state. Rhode Island no longer exported food, as in colonial days; the farmer found a market for more than he could produce, almost at his door, in thickly populated cities and factory villages. Rhode Island imported food and other necessities, besides raw material for its factories and fuel. It exported a wealth of manufactured commodities and piled up capital because of a favorable balance in trade. The construction of the Erie Canal, interpreted by many New England historians as detrimental to New England because it opened a gateway to the West through which a stream of migration flowed out by way of the Mohawk Valley into the Mississippi Valley, was, without question, beneficial to Rhode Island, because it brought to tidewater the produce of Middle Western farms and thus helped to solve the problem of food supply; and also because through the same gateway floated westward on the canal the commodities manufactured in Rhode Island for sale to the farming population in the Mississippi Valley. Similarly the rail and water route across Pennsylvania to Pittsburgh helped Rhode Island, as it brought iron and coal to tidewater and carried back what Rhode Island offered for sale. The migration of Rhode Islanders immediately after the Revolution to Vermont and Ohio continued for only a short period; it was arrested



DAGGETT HOUSE

In Slater Park, Pawtucket. House built in 1685.



as Rhode Island became prosperous and recovered from the poverty that prompted the westward movement. In Rhode Island the building of a new economic organization was not the metamorphosis of an agricultural into an industrial population, for the farming population has remained almost constant for a century and a quarter. Agriculture did not gain; the natural increase of the farming population gravitated toward the cities and factory towns, instead of remaining on soil that had been developed for the time being to the limit of productivity by cultivation processes not yet modernized by agricultural science.\* Nor was the change in Rhode Island confined to the expansion of old industries. Home manufacturing, including the spinning of yarn and the weaving of cloth, there had been, as part of the process of maintaining the family as an independent self-sustaining economic unit. Shop manufacturing had been developed in the colonial period, including such enterprises as the elaborate iron manufactories conducted by the Jencks family in Pawtucket, by the Greenes in Warwick, and at Furnace Hope. Slater brought with him to America not only a knowledge of textile machinery that enabled him to reproduce the spinning devices invented by Arkwright, but also a familiarity with the organization of the factory system in England.

**THE FACTORY SYSTEM**—Perhaps it was the strike in the Pawtucket factory under Slater's administration, whereby the men who had been trained by Slater were scattered and by hiring out to other employers initiated the latter into the mysteries of the Slater processes and made them active competitors which induced Slater to employ young children in preference to men to tend his spinning machines. Among his earliest employes were seven boys and two girls, aged seven to twelve years; in 1801 over 100 children aged four to ten years, were working in the Slater factory. Instead of the strike, however, the reason for the employment of children may have been Slater's purpose to train their nimble fingers while they were still young. Slater was not only practical, but also an idealist and social worker. For the children employed in the factory Slater established a Sunday secular school, in which he taught them to read and write. The factory school exemplified a principle of responsibility on the part of the employer that was seldom lost sight of in Rhode Island in the development of the factory system. The conception of the factory as a type of social welfare institution, useful because it afforded employment for the children of the poor, and elevating, because, as administered by Slater, the morals of the children were safeguarded and education was provided, was consistent with the philosophy of Moses Brown as expressed in a letter to a friend in Newport in 1791, referring to a proposal to establish a duck and twine factory: "I believe it would suit your situation, and prove more publicly useful with you than with us, as our poor of both sexes are, or may be, employed in the various branches of business carried on already, and yours, I understand, are not. . . . You have public lands near your poorhouse. The poor may be employed if a house for spinning was erected. The filling may be spun all over the town, and many poor families might get their bread by the business, that may be now dependent on daily charities." When Josiah Quincy visited the Slater factory his attention was directed to the employment of poor children as one of the excellencies of the factory system, but Quincy was more impressed by "an eloquence . . . on the other side of the question . . . which called us to pity these little creatures, plying in a contracted room, among flyers and cogs, at an age when nature requires for them air, space and sports. There was an air of dull dejection on the countenances of all of them." The rapid extension of the factory system created a demand for operatives that transcended the limitations of employment of dependent poor and the children of poor families. The location of mills at favoring water falls involved both the problem of inducing prospective operatives to remove to domiciles convenient to the factories and providing the domiciles, which must be built along with the factories. The obvious solution was the factory village, with houses or tenements owned by the proprietors and rented to the operatives.

\*The author believes that there is a future for Rhode Island agriculture based upon a combination of scientific methods and sound management.

In Rhode Island the unit for employment was the family, and the domicile was a tenement house varying in type with the location, the smallest planned usually for four to six families and the largest, in Providence, assuming the proportions of four-story wooden buildings accommodating sixteen families to a unit. As a rule, every member of the family including children able to walk, was employed, and large families were preferred because of the economy in housing, and also because, assuming operation of the economic "law of wages," a large family earned little more in wages than a smaller family and gave to the employer a larger number of hands. The Rhode Island system differed from the Waltham system, common in Massachusetts factory towns, of employing women and girls principally and boarding them in dormitories conducted under supervision of factory managers, varying from merely nominal to intimate oversight of living conditions and morality. The Rhode Island factory population, because whole families were employed, was less transitory and tended to become fixed. None but employes of the factory and household relatives were permitted to live in the factory village owned by the mill proprietors. Because factory employment was confining in the sense that operation was daily, and that hours of labor were as long as daylight permitted from early morning until dusk, these limits being imposed by the want for the time being of a satisfactory and cheap system of artificial lighting, convenience would dictate the provision of a factory store in which the operatives could buy food, clothing, fuel and other necessities, as well as such luxuries as were not by the proprietor considered too extravagant. Factory ownership of the village would exclude competing stores, and limit mill operatives practically to trading in the factory stores. There was no choice; the prices demanded by the factory store must be paid. Against the family wages were charged rent for the factory tenement, fixed by the proprietor, and supplies drawn from the factory stores; the balance, if any, due the family might be paid in cash or in orders for more credit at the store, the latter to encourage further purchases.

The system in operation might establish economic dependence; family balances, under the system of charging rent and purchases in the store might never favor the family, which, because always in debt to the employer, must remain in the village, working in the mill, with no prospect of change. Under these circumstances, although the relation between employer and operative superficially had the appearance of resting on contract, and the contract stipulated wages, in actual practice the operative was as definitely attached to the factory and the factory village as were villein and serf to feudal estates when knighthood was in flower. In the person of factory owner were united the employer, landlord, and procurator of every life necessity, for the bilateral contract embraced three relations comprehending those most significant for life—employer and employe, landlord and tenant, and merchant and buyer. The factory system was profitable for the factory owner because it assured him: (1) as a manufacturer the most reliable type of employe, the steady worker, as contrasted with the transient who drives to distraction the modern personnel manager; (2) as a landlord and owner of land and tenements, an unfailing tenantry and an unbroken flow of rent; (3) as a merchant, owner of the factory store, a regular patronage of cash customers, as credit offset wages. The advantages were not, however, exclusively on the side of the manufacturer.

It has been assumed that the Rhode Island factory system discouraged thrift and made dependence practically an inevitable certainty, as the employer absorbed through the credit system all the wages earned by workers. Had that been true, there could have been no business for savings banks, the first of which, the Savings Bank of Newport and the Providence Institution for Savings, were incorporated in 1819. Savings banks were established in large numbers, reaching most towns in Rhode Island, and in many instances were promoted by factory owners to encourage thrift among their employes. As a matter of fact, the foundations for family independence and comfort, and for educating youth, were laid through thrifty living in factory villages. Again, the feudal organization of the factory system has been made

the basis for an assumption of ill-treatment or neglect of the welfare of workers, neither of which has been proved. The same common sense and economic motives that prompt the owner of cattle to care for his herd and that induced the owner of slaves to safeguard the physical welfare of his chattels, would counsel action by the factory manager to insure reasonable standards of living for his employes.

The Rhode Island factory villages, as a general rule, were well kept; the houses were built so well that many have endured a century of exposure to New England weather. The owner could not guarantee cleanliness, that being a matter depending, first, last and always, upon the family. In contrast with the Waltham system of supervising dormitories to assure morality, the Rhode Island plan of respecting the privacy of the family has been characterized by the epithet "laissez-faire." In answer it might be suggested that there was little cant and hypocrisy in Rhode Island, no meddlesomeness, and an enduring faith in the decency of the common man, particularly of the type who is willing to work hard to support his family. The epithet of "laissez-faire" was amply justified as a commendation for paying strict attention to business, particularly one's own—and this forbade meddlesomeness; and was equally unjustifiable in view of the care taken by factory managers to exclude unwholesome influences from their villages. Amasa Sprague's opposition to the granting of a liquor license for a resort near one of his factory villages occasioned the resentment which the state alleged and attempted to prove as a motive in the chain of circumstantial evidence through which John Gordon was convicted\* of murdering Sprague and hanged. The 1200 men who followed John Gordon's body in funeral procession to his grave thus mutely protested their belief that he was innocent of the crime. Information available later tended to establish John Gordon's innocence, and explained his refusal, during the trial, to testify, lest by telling a story that would absolve himself he should betray another. John Gordon died the death of a martyr, but he convinced Rhode Island that the death penalty ought to be abolished, and it was.† In a great many instances the factory owner encouraged the building of churches by leasing land rent free, and contributing liberally to the cost of construction. In most factory villages warm and weather-tight houses, a reasonable abundance of food and other necessities, and a moderate contentment prevailed.

Objections to the factory system rest fundamentally upon the vital difference between benevolent despotism and democracy, and upon that human instinct that resents a continuation of dependence. A Rhode Island manufacturer once reported a conversation with the wife of one of his employes. When he made a personal tour of inspection, she had answered his questions to the effect that the house she lived in was warm, dry and comfortable; that the family had an abundance of food that was wholesome, because there was little sickness; that the family had warm clothing of good quality, and good shoes, and that she had had one new best dress for Sunday every year. She complained that she had never a dollar to spend as she pleased, from one year's end to another, and that the family had no vision of a future beyond life in the factory village. The manufacturer marvelled that one who had all that was necessary for comfortable living was discontented. Neither he nor the woman had grasped the real truth that he as the owner and operator of the factory and she as the wife of an operative had been caught in an industrial system as rigid in its stratification of society and its classifications of men and women, and as inexorable in its definition of services and obligations as the most masterful exemplification of the feudal system in mediæval Europe.

For the factory family, unless it accomplished the difficult achievement of building economic dependence by unrelaxed thrift and saving, removal from the factory village seldom meant more than migration to another. His own interest in maintaining his organization intact would counsel the factory owner to carry his employes over dull season periods, by

\*New trial not granted. *State vs. Gordon*, 1 R. I. 179, and see Chapter XXVI.  
†February 11, 1852.

extending credit for rent and store purchases ; they entered the reopened factory when operation was resumed with an accumulated indebtedness. The factory system, complete in all its details, was easily maintained in isolated villages ; it was maintained rigidly even in cities and large manufacturing towns where employers owned tenements and paid wages with orders on company stores. Had factory managers depended for operatives upon the natural increase of population, the time might come in which competition for a limited supply of operatives might destroy the balance in favor of the employer, which helped to maintain the feudal organization. Immigration postponed the shortage of operatives that would destroy the employers' advantage, and flowed into Rhode Island in an apparently unending stream. The abundance of positions in Rhode Island mills and factories was known beyond the ocean, and immigrants on reaching ports of entry lost no time in taking packet, train or other conveyance for Rhode Island.

**IMMIGRATION**—The earliest immigrants were English and Scotch ; many from the factory towns were already experienced textile workers. A large emigration from Ireland occurred following the famine year of 1826. The more serious evils attending unrestricted exploitation of workers were adjusted eventually by statutory enactments requiring the introduction of devices intended to protect life and health ; prescribing limited hours for the employment of women and children, which had the effect of shortening the work day for all employes ; ordering weekly payment of wages, and accomplishing the payment of wages in cash through statutory provision for collecting debts in money. The earliest factory legislation aimed to correct the evil entailed in the employment of children glimpsed by Josiah Quincy on his visit to Pawtucket. Slater had justified child labor as an alleviation of poverty, and had undertaken to ameliorate the social condition of his charges through education. In the extension of the Rhode Island factory system to employment of families, children of tender years were drawn into the mills to work under conditions that were detrimental to health and the normal physical growth of the body. To child labor and the employment of women and girls in factory occupations has been attributed the stunted stature of factory operatives. Factory children were deprived not only of the natural life of "air, space and sport," but education even so slight as that which would establish literacy. It is true that while Rhode Island's political system rested upon a selective freehold qualification that excluded the majority of factory children from the probability and possibility of acquiring political rights, there was no threat to the integrity of the government involved in an illiterate Pericci. There was no necessity for "education for complete citizenship," if citizenship were never to be so complete that the denizen could vote, hold office and serve on the jury.

But there was in Rhode Island a popular consciousness of civic obligation for the general welfare, which while insisting upon individualism as the strongest bulwark of personal liberty, had expressed itself in measures for the abolition of negro and Indian slavery in Rhode Island, in the organization of anti-slavery societies, and in opposition to the extension of the institution of slavery within the United States ; the same leaven working in the body politic must focus attention eventually upon the child slave to the factory system. Southern orators in Congress, answering Northern speeches against negro slavery, did not hesitate to accuse the North of maintaining a white industrial wage slavery in factories which was more debasing than negro slavery, because the white master manufacturer did not assume the responsibility for the economic welfare of his factory employe which in the South operated to assure the negro slave of abundant food, a comfortable house, medical care in illness and maintenance at his master's expense after he was no longer able to work. The earliest state school law, 1800, offered free school education to persons who stood in need of it and who offered themselves for admission to school. In 1818, Governor Nehemiah Knight, in his message to the General Assembly, invited consideration of measures to provide schools for children employed in factories. In justice to employers it should be remembered that many of

them were earnest promoters and liberal supporters of the schools\* that had become so numerous that more than 200 were conducted in 1819, and more than 300 in 1828. Industrial Rhode Island was strong enough politically in 1828 to defeat, had it seen fit to appear in opposition, the school legislation of that year; but industrial Rhode Island supported the bill to appropriate state revenues for the support of public schools. The General Assembly, in 1840, enacted the first American child labor and compulsory attendance statute, which required children under twelve years of age, if employed in factories, to attend school for at least three months of each year. This statute was repealed in the revision of the school laws in 1845. Eight years later, 1853, the General Assembly limited the hours of labor of children employed in factories, and, in 1855, forbade the employment of children under fifteen years of age in factories for more than nine months in any year and unless the children had attended school for three months in the preceding years. With these statutes the State of Rhode Island entered upon a program of restricting child labor, banishing children under fifteen from employment in factory or business occupations, and enforcing regular attendance on school instruction.

THE CHANGES OF HALF A CENTURY—In little more than half a century from the first success of Samuel Slater Rhode Island had been transformed from a commercial into an industrial state. Shipbuilding was at an end, as well as ocean commerce with distant ports in strange foreign lands. The wealth that had been acquired in foreign trade had been reinvested in factory property, and Rhode Island's white coal, or water power, had been harnessed to turn hundreds of factory wheels. Restrained by dams and liberated through sluices, it yielded to man's mastery and accomplished his purposes. Of cotton factories there were, in 1850, 158, which employed 10,915 persons and yielded a product valued at \$6,447,120 annually. It should be noted that the improvement of machinery and introduction of new mechanical devices had tended to restrict the number of employes. Of woolen and worsted factories there were forty-five, employing 1758 operatives and producing cloth valued at \$2,387,825 annually. The jewelry industry, later to experience a remarkable development, supported forty to forty-five establishments. Of the number of iron and steel manufactories, of their employes, and the value of their annual products, no reliable statistics for 1850 are available. The volume of business in Rhode Island is indicated somewhat by banking. Rhode Island had sixty-three banks in 1850, with a total capital of \$11,716,000, and a paper note circulation amounting to \$2,554,000. Deposits were \$1,592,000, and loans and discounts \$14,300,000. The greatest gain in population was taking place in the three northern counties; agricultural towns were no longer gaining, population increases being definitely related to manufacturing. Newport, because of its fine harbor, was still a commercial city, though taking on more and more its modern aspect as the fairest of summer resorts. Yankee cotton buyers in the Southern States were scarcely more familiar than the Southern planters who came to Newport for the summer, there to enjoy an unparalleled climate. Incidentally to the development of manufactures a system of internal transportation had been developed practically on the main lines that have persisted in twentieth century steam railways. The main trunk lines to Boston and Worcester, and Rhode Island's part of the line to New York, as well as the east shore line to Warren and Bristol, all centering in Providence, had been constructed. New problems faced Rhode Island, to be met with the same fine courage and indomitable enthusiasm that had carried Rhode Island from poverty to wealth in little more than half a century.

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\*See Chapter XV.







LINCOLN MEMORIAL SCHOOL, LONSDALE

## CHAPTER XX. EVOLUTION OF THE STATE SCHOOL SYSTEM.



DUCATION was not the major issue in the Dorr Rebellion, although Dorr, who had been interested in public education as a member of the General Assembly and as a member and chairman of the school committee of Providence, in the constitution drafted by the people's convention in 1841, included an article on education that ordered the General Assembly to establish and maintain a system of *free public schools*. Had Dorr not been an educational reformer, the use of the word "free" might be construed as accidental; the fact that Dorr had persuaded the school committee of Providence to abolish the fuel tax, because it was an obstacle to enrollment and attendance, shows that he understood clearly the difference between *free* schools and *public* schools. Had the Dorr movement been successful immediately, Rhode Island might have realized a state-wide, universal, free public school system a quarter-century before the abolition of tuition, which became effective in 1868. The Dorr movement was suppressed, so far as it involved turning out the Charter government; but the agitation for a constitution, which had its beginning in the eighteenth century, bore fruit in 1842 in a state Constitution. The Constitution made the General Assembly a state school committee, and the General Assembly exercised the school committee function almost immediately, through action of the first Assembly organized under the Constitution.

A SURVEY ORDERED—Wilkins Updike, Representative from South Kingstown, introduced at the October session, 1843, a bill authorizing the governor to appoint an agent to visit, examine and report on the condition of the public schools. The bill was passed unanimously by both houses. The duties of the agent were to "visit and examine the respective district schools in this state; ascertain the length of time each district school is kept, and at what season of the year, the qualifications of the respective teachers of said schools, the mode of instruction therein; collect information of the actual condition and efficiency of our public schools and other means of popular education, and diffuse as widely as possible among the people a knowledge of the most approved and successful methods of arranging the studies and conducting the education of the young, to the end that the children of the state who depend upon common schools for instruction may have the best education that those schools may be made to impart; and shall make report to the legislature with such observations and reflections as experience may suggest, upon the condition and efficiency of our system of popular education, and the most practicable means of improving the same." Governor James Fenner appointed Henry Barnard, the foremost American educator of the nineteenth century, to undertake the survey, which gave Rhode Island the distinction of conducting, under an experienced public educator, the first survey of an American state system of schools. The possibility and probability that Barnard suggested the survey are supported by the facts: (1) that Barnard for the time being was without employment and available for appointment as agent, having been removed, for political reasons, from office as secretary and executive agent of the State Board of Commissioners of Common Schools of Connecticut; (2) that Barnard visited Updike at Kingston in 1843; (3) that the address in which Updike supported his bill proposing the survey displayed an acquaintance with educational problems rather extraordinary for a layman and lawyer, and included a review of education, including statistics, that smacked of professional knowledge.\*

\*Two versions of the address are printed in "Public Education in Rhode Island," page 123.

**HENRY BARNARD**—Rhode Island was most fortunate in obtaining the services of Henry Barnard. A graduate of Yale in 1830, he had taught school for a year; studied law, thereby acquiring a splendid foundation for administration and for drafting the Rhode Island school legislation that carried his name; and had travelled extensively in America and in Europe. He visited Pestalozzi at Yverdun, in Switzerland, and in the same country met Fellenberg and Hoffweil. On his return to America, he was admitted to the Connecticut Bar, but did not settle down to practice law. He served three years in the Connecticut House of Representatives. He wrote the Connecticut statute providing for a State Board of Commissioners of Common Schools, and himself became Secretary of the Board. He had by this time definitely dedicated his life to education, thus: "Here in America, at least, no man can live for himself alone. Individual happiness is here bound up with the greatest good for the greatest number. Every man must at once make himself as good and as influential as he can and help at the same time to make everybody about him and all whom he can reach better and happier. The common school should not longer be regarded as common, because it is cheap, inferior and attended only by the poor and those who are indifferent to the education of their children, but common as the light and air, because its blessings are open to all and enjoyed by all. That day will come. For me, I mean to enjoy the satisfaction of the labor, let who will enter into the harvest." And, later: "So far back as I have recollection the cause of true education, of the complete education of every human being without regard to the accident of birth or fortune, seemed most worthy of the concentration of all my powers, and, if need be, of any sacrifice of time, money and labor, which I might be called on to make in its behalf." Here, then, was a man with splendid, self-sacrificing ideals and a forward look; a reformer of the finest type; a man of intellectual superiority; a trained, experienced educator; a man of affairs, schooled by actual service, whose initial failure in carrying to completion his program for reforming the public schools of his own state, had resulted in abatement only—Henry Barnard went from Rhode Island back to Connecticut to finish there the work that he had undertaken. He served four years as State Superintendent of Education in Connecticut, 1850-1854; of Barnard's work his successor in Connecticut said: "He had done more than any other man to shape the educational policy of the nation." Barnard published the "American Journal of Education," a monumental encyclopedia of education, in thirty-one octavo volumes. He was Chancellor of the University of Wisconsin, 1858-1860; President of St. John's College, Annapolis, Maryland, 1866-1877; first United States Commissioner of Education, 1867-1870, his last public office. His service to the people and to education continued as author, editor and publisher. He died July 5, 1900, in his ninetieth year. Wilkins Updike died in 1867, after seeing the public school system reorganized. The General Assembly, in resolutions commending his life and service, failed to mention his most notable contribution to Rhode Island's welfare, the survey of the public schools: "Whereas the General Assembly has learned with sorrow of the death of the Honorable Wilkins Updike of Kingston, for many years a prominent member of this body; therefore, resolved, that we desire to inscribe upon the record some memorial of our respect for this old-fashioned gentleman, this vigorous and honest legislator, this hospitable and warm hearted citizen: resolved, that in the death of Honorable Wilkins Updike has passed away from earth almost the last of a generation of true Rhode Island men, worthy of our respect and imitation in the walks of public and private life."

**BARNARD'S METHODS**—Governor Fenner announced the appointment of Henry Barnard as state school agent in a proclamation, addressed to the people of Rhode Island, in which he urged "the sympathy and coöperation of every citizen of the state." Barnard's earlier reports were made orally to the General Assembly, which as a state school committee called him into conference as its expert adviser. He was one of very few men who have been invited to address the General Assembly on matters pending. His first printed report recapitulated his work for two years; it was almost encyclopedic in detail, and presented a thoroughly organ-

ized review of his methods and activities. He had visited every section of Rhode Island, inspected schoolhouses, examined and questioned teachers, consulted with school officers, conducted and addressed public meetings, one of which was held within three miles of every home in the state. He drafted school legislation to remedy the defects which he found, and he conducted in every town and district of the state a "school revival meeting," knowing full well that law becomes effective only when enacted with the consent of the people, and when the sympathy of the people is enlisted in its enforcement. In a review of Barnard's activities over a five-year period† it was said that "more than 1100 meetings were held expressly to discuss topics connected with public schools, at which upwards of 1500 addresses were delivered. One hundred and fifty of these meetings continued through the day and evening, upwards of 100 through two evenings and a day, fifty through two days and three evenings, and twelve, including teachers' institutes, through the entire week. In addition to this class of meetings and addresses, upwards of 200 meetings for teachers and parents were held for lectures and examination of schools. Besides these various meetings, experienced teachers were employed to visit particular towns and sections of the state and converse freely with parents on the condition and improvement of the public schools. In this way a meeting was held within three miles of every home in Rhode Island. In addition to all this, more than 16,000 educational pamphlets and tracts were distributed gratuitously through the state, and one year no almanac was sold in Rhode Island without at least sixteen pages of educational reading attached. This statement does not include the official documents published by the state nor the 'Journal' of the Institute, nor upwards of 1200 bound volumes on teaching purchased by teachers or added to public or school libraries. Before Mr. Barnard left the state a library of at least 500 volumes had been secured in twenty-nine out of thirty-two towns." Barnard was engaged in conducting an educational "revival" quite as much as in surveying the public schools, collecting information, and reporting facts, and suggesting measures for improving public education.

**WHAT THE SURVEY REVEALED**—As to the physical condition of schools Barnard reported that "405 schoolhouses were required, whereas but 312 were provided. Of these 29 were owned by towns, 147 by proprietors and 145 by school districts. Of 280 schoolhouses from which full returns were received, including those in Providence, 25 were in very good repair, 62 were in ordinary repair, and 86 were pronounced totally unfit for school purposes; 65 were located in the public highway, 180 directly on the line of the road, without any yard or outbuildings attached, and but 21 had a playground attached. In over 200 schoolhouses the average height was less than eight feet, without any opening in the ceiling or any other effectual means of ventilation. . . . Two hundred and seventy schools were unfurnished with a clock, blackboard or thermometer, and only five were provided with a scraper and mat for the feet." He found the schoolhouses too small and not appropriately fitted up, badly lighted, improperly ventilated, imperfectly warmed, supplied with desks and seats which were crude and unsuited to physical needs and convenience of pupils, wanting the ordinary accessories, such as blackboards, clocks, maps, thermometers and other apparatus and fixtures which are indispensable to well-regulated and well-instructed schools, and deficient in arrangements "which help to promote habits of order and neatness, and cultivate delicacy of manners and refinement of feeling." In some districts apartments in old shops or dwellings were used as schoolrooms. In many instances districts paid to proprietors rents that exceeded the interest on the cost of new and improved schoolhouses. To remedy these conditions the General Assembly, in January, 1844, empowered school districts to purchase, acquire, hold and convey land for school purposes; to build, hire and repair schoolhouses; to equip schoolhouses with furniture, apparatus and blackboards; and to levy and collect taxes, and appropriate money for these purposes. Barnard printed and distributed a pamphlet of seventy-two pages,

†"History of the Rhode Island Institute of Instruction," E. M. Stone.

with fifty illustrations, dealing with schoolhouse architecture and equipment. It is still standard in essentials, though Barnard probably would be amazed could he see the beautiful modern temples of learning rising in Rhode Island, and visit them and examine the apparatus and equipment. Barnard had found eighty-six of 280 schoolhouses "totally unfit for school purposes." That this was not a condition peculiar to Rhode Island is disclosed by Mann's report on the Massachusetts schools as he found them, thus: "In 1837 not one-third of the public schoolhouses of Massachusetts would have been considered tenantable by any decent family out of the poorhouse or in it." Young's New York report for 1844 said of the public schools of the Empire State: "One-third only of the whole number of schoolhouses visited were found in good repair, another third in ordinary and comfortable condition only in this respect—in other words, barely sufficient for the convenience and accommodation of the teacher and pupils; while the remainder, consisting of 3319, were to all intents and purposes unfit for the reception of man or beast." Barnard had left Connecticut with the work of reform incomplete, and was to return there. Similar conditions have been reported in the twentieth century in state school surveys made in Middle Atlantic and Southern States. Three New England States—Rhode Island, Connecticut and Massachusetts—and New York were fortunate in undertaking effective measures for improvement at the middle of the nineteenth century. In Rhode Island the response to Barnard's report and effort to interest the people was such that Barnard after two years wrote: "If the same progress can be made for three years more, Rhode Island can claim in proportion to the number of school districts more specimens of good houses and fewer dilapidated, inconvenient and unhealthy structures of the kind than any other state. To bring about thus early this great and desirable result, I can suggest nothing beyond the vigorous prosecution of the same measures which have proven so successful during the past two years."

School attendance was found to be unsatisfactory on the basis of Barnard's estimates of school population as probably 30,000; of these, 24,000 attended school, including 21,000 in public schools, but only 18,000 attended regularly. Far too many children of school age attended no school and received no instruction. Barnard was not committed to compulsory attendance, however; he had too great faith in the principle of attraction, believing that school and education processes could be made so attractive that no boy or girl would willingly remain away. Among other improvements sorely needed, Barnard suggested graded schools and graded courses of study, if any advance were to be made beyond schooling of the most elementary-primary type, with special attention to adapting the work of the schools to the community. Henry Barnard believed that populous manufacturing districts would become the homes of thriving schools; in this he proved to be in error—children worked instead of going to school. He recommended also examination and certification of teachers, a school year of not less than four months, a normal school for training teachers, school libraries open to the general public, and publicity for schools through printed reports and discussion in public meetings. One of his most significant services was drafting a new state school law, which with a few changes, was enacted by the General Assembly. To Barnard's credit it should be added that the state school law of the twentieth century essentially embodies the principles of the Barnard school law; that it is the Barnard school law, amended in detail to meet changing conditions; that under it Rhode Island education has pursued a progressive evolution for eighty-five years; that Rhode Island is the only state that has for the same period of years avoided an educational revolution through radical reorganization of its public school system. One contrast betwixt evolution and revolution is that the former preserves, while the latter destroys, as the basis for progress. The fundamental features of the Barnard law were and are: (1) Organization of town schools as a quasi-state system with a state officer, the Commissioner, as supervisor and director; (2) supervision of schools by (a) state and (b) town officers; (3) a system of school reports (a) school committees to the Commissioner, and (b)

Commissioner to General Assembly; (4) a tribunal, with the Commissioner as judge, to hear and decide school controversies; (5) allocation of school support to state and locality; (6) ample corporate and other powers for municipal school agencies; (7) measures for school improvement, including a minimum school year, maximum class, limitation on creation of weak districts, graded courses of study; (8) measures for improving teachers and teaching, through (a) a normal school, and (b) institutes, meetings, etc.; (9) certification of teachers to establish eligibility on the basis of adequate training. Barnard was appointed Commissioner under the new law, and held the office for four years; in 1849 he resigned because of poor health. He had labored faithfully, had created enthusiasm, and had persuaded the people of Rhode Island to carry into effect a program for the improvement of public schools so transcendental that some commentaries place the beginning of Rhode Island education in the Barnard era. Seven problems remained to be solved through experience, centering as follows: (1) Adequate support for schools; (2) abolition of tuition; (3) free textbooks; (4) attendance; (5) teacher-training; (6) municipal school administration, and (7) state school administration.

**EDUCATION REORGANIZED**—The Barnard law continued the state appropriation of \$25,000 annually that had been made since 1839, and inaugurated an innovation in Rhode Island education in the requirement that towns supplement the state appropriation by raising and spending of town money one-third as much as the town received from the general treasury; it was thus mandatory in form. The law purported to impose upon towns the burden of supporting schools additional to the money received from the state, but actually failed to do so, inasmuch as it suggested district taxation and tuition as additional permissible sources of revenue; neither could be needed if the towns were obligated. The weaker construction was incorporated in the revision of the statute in 1851, which read: "Towns *may* establish and maintain . . . a sufficient number of public schools." The interpretation of the statute as permissive rather than mandatory was confirmed by the Supreme Court in 1881,\* in a decision that the statutes permitted but did not obligate towns to maintain schools. The words "shall maintain" replaced the words "may maintain" in the revision of the statutes in 1882. The state had undertaken the solution of the problem by mandate imposing the duty upon municipalities. The General Assembly has also recognized an obligation resting upon the state as a whole, through increase in appropriations, that for teachers' salaries, corresponding to the appropriation of \$25,000 in 1839 being increased to \$35,000, 1849; to \$50,000, 1854; to \$70,000, 1868; to \$90,000, 1869; to \$120,000, 1884. Dog license fees were appropriated for school support in 1869, and the registry tax of 1842 was replaced in 1888 by the poll tax. The general appropriation remained at \$120,000 from 1884 to 1922, the General Assembly meanwhile beginning as early as 1884 a policy of making additional annual appropriations to promote and encourage particular school activities. The general appropriation was increased to a variable sum averaging \$300,000 annually in 1922; the General Assembly makes additional appropriations, from which money is apportioned to town public schools, for supervision, high schools, graded and consolidated schools, apparatus, medical inspection, evening schools, and vocational education. Towns are required to raise and expend annually the amount of a tax of three mills on ratable estates, and to carry the additional burden. The town obligation is mandatory; in instances of failure to make appropriations or of inadequate appropriations, school committees are required to conduct schools, and charge the expense thereof to the town.<sup>†</sup>

Older public schools might be tuition schools. The Providence schools of 1800 were remarkable as free schools, in spite of the fact that a fuel assessment was collected until 1833. The state school law of 1839, stipulating that state money must be used exclusively

\**Wixon vs. Newport*, 13 R. I. 454.

†*Gormley vs. School Committee, of Pawtucket*, approved by *Douglas, C. J. Hardy vs. Lee*, 36 R. I. 302.

for teachers' salaries, could be construed as imposing other school expenses on towns until a statute enacted in the year empowered school committees "whenever an amount of money sufficient to pay for fuel, rent and other incidental expenses of public schools shall not be provided by any town by taxation or otherwise," "to assess a sum sufficient to pay such expenses upon those who send scholars to the schools, in such manner as they may deem just, exempting from assessment such as they consider unable or too poor to pay." The statute did not inaugurate tuition; it recognized an established practice, and negatived an interpretation of the earlier law of 1839 as abolishing tuition. Barnard did not recognize tuition as an evil; he believed that a moderate tuition might create an economic interest that would induce parents to send children to school regularly, in order to obtain the largest possible advantage. Later Commissioners recognized tuition as an obstacle to enrollment and attendance. Commissioner Potter, 1850, recommended abolition of tuition, or rate bills, the common term for tuition, saying: "there can be no doubt that the present rate bill system is one great obstacle in the way of a more general attendance. In several of the larger towns the schools are now made entirely free by town taxation, but in many of the towns the state and town appropriations are insufficient and the remainder is assessed on scholars . . . . the greatness of the evil is apparent. It is for the wisdom of the legislature to devise a remedy." Commissioner Potter urged an increase in the state appropriation to offset the tuition collected by towns. The payment of tuition could not be avoided easily. Payment might be demanded and enforced in advance; payment could be enforced by arrest of the body of a delinquent parent and imprisonment. Parents who were willing to make an admission of poverty were relieved, but few parents wished their children and themselves branded as paupers. Three-quarters of the towns collected tuition in 1867-1868; in 1868 tuition was abolished with the end of the current school year. The General Assembly added \$20,000 to the annual state appropriation to replace the tuition collected by towns. The spirit of free public education implied in the abolition of tuition, was advanced through the free textbook law, 1893, and a statute in 1922 forbidding sales and collections on school premises.

The textbook problem was threefold as it involved (1) supplying the books necessary for study; (2) reasonable uniformity of textbooks; and (3) reasonable restriction on frequent changes of books or editions. Updike in his address in 1843, advocating the appointment of an agent for public schools, emphasized want of uniformity and frequent changes of books as among the sorest burdens imposed upon the parents of children attending public schools, because there was no end or limit to buying new books to comply with the requests of teachers, or to provide new books when families removed from one school district to another. The Barnard law directed the Commissioner to promote a uniformity of textbooks at least within each town, and authorized school committees to prescribe the textbooks to be used in all districts in the town. In the early history of the Providence schools, Oliver Angell, a schoolmaster, prepared a series of "union textbooks," to include within one set of paper covers all of the material needed for a grade in school, and to be sold at low prices. Still, while teachers were permitted to choose textbooks and editions for use in their own schoolrooms, and while school officers and teachers were permitted to act as agents for textbook manufacturers, and while there were no restrictions upon frequent changes, parents of school children were burdened not only with the primary cost of providing books, but with the additional and vexatious exaction of buying new books with every change of teachers, new books upon removal or transfer from one to another district in the same town, and still other new books when a change was ordered by school officers. A general law enacted in 1870 forbade superintendents of schools, members of school committees and other persons officially connected with public schools to receive any private fee, gratuity, donation or compensation, in any manner whatsoever, for promoting the sale or exchange of any school book,

map or chart in any public school, and other persons to offer fees, commission or compensation to public school officers for promoting such sales or exchanges. Changes in textbooks may be made only by two-thirds vote of the school committees after notice in writing has been given at a previous meeting, and not oftener than once in three years without the consent of the State Board of Education.

The main problem, that of supplying textbooks, was as serious in its effect upon schools as upon the pocketbooks of parents. Assuming that textbooks are very desirable, if not absolutely necessary, accessories of efficient and economic instruction, the latter must await the time when pupils are amply provided; pupils not provided with textbooks are themselves handicapped and tend to retard the class progress that is promoted when all members have access to the materials of instruction and study. The schoolmasters of Providence were ordered in 1804 to "receive no scholars unless they are severally furnished with such books as are studied in the several classes to which such scholar belongs"; in 1822 they were directed to "attend personally on parents . . . and others having charge of children who attend their respective schools and inform them that unless they are furnished with suitable books, or make it appear satisfactorily that they are not able to procure these, that they will be liable to be dismissed from school." Newport dealt with the textbook problem by supplying free textbooks and charging tuition to cover the cost. The Barnard school act required school trustees "to see that scholars are properly supplied with books, and in case they are not, and the parents and guardians or master have been notified thereof by the teacher, to provide the same at the expense of the district and add the price thereof to the next school tax or rate bill of said parents." The act safeguarded the children of the poor through its provision for exemption from tuition charges at the discretion of the trustees, and the positive rule that no child should be excluded from school for inability of his parents or guardians to pay rate bill or other tax. Barnard explained the section of the law thus: "Nothing short of the power with which the trustees are here invested will do away with the complaints, and just complaints of teachers, respecting the inadequate supply of suitable books. In more than four-fifths of the returns which have been received from teachers a number of children are mentioned as not supplied with books. It would be better in most of the districts, and even the towns, to have the books purchased by or under the direction of the school committee or trustees, and furnished, when needed, to the children, and the expense put upon the tax or rate bill of the parents." Commissioner Potter recognized the expense of providing textbooks as one of the reasons for parents' neglect to send children to school. Commissioner Allyn advocated the supplying of textbooks by school committees, or the purchase by school officers of sufficient supplies of books, and loans to pupils at a small rental—perhaps free textbooks.

The most compelling reason for free textbooks is economy. In Rhode Island the total annual cost of free textbooks is less than the expenditure for current maintenance of schools for one week. If it could be assumed that children could be supplied with books through private initiative within one week of the opening of schools, then the taxpayers might choose betwixt supporting schools for a week while teachers and pupils marked time, waiting for books; or paying for the books, so that schools might start on the first day for which salaries were paid. But the assumption of supply within one week is not justified; two weeks would be nearer to facts and a wait of two weeks would involve for the taxpayers expenditures for current maintenance amounting to double the cost of textbooks and supplies. Free textbooks and supplies permit the beginning of instruction and study in the first minute of the first hour of the first day that schools are in session. Rhode Island solved the problem of supply by a statute enacted in 1893 that required school committees to purchase at public expense and loan free to pupils all books and supplies to be used in school. The free textbook law supplemented the abolition of tuition; the latter permitted free attendance, the former relieved the

pupil and his parents of any expense because of attending school. Both made straight the path to an effective compulsory attendance law.

**COMPULSORY ATTENDANCE**—It was scarcely merely coincidence that Francis Wayland in 1828, the representative of the Providence Association of Mechanics and Manufacturers in 1839, Wilkins Updike in 1843, and Henry Barnard in 1844 found the deficiencies in the public schools of their time a reason sufficient to explain poor attendance. The facts that so many children in Providence attended private schools, and that public school attendance in Providence invariably increased after reforms or improvements in the schools supported the position of Wayland and the Mechanics. Updike believed that improvements in rural schools such as would carry them to the standard maintained in Providence in 1843, would attract pupils to them and remedy evil school conditions throughout the state. Barnard's recommendations urged improved schools. None of the reformers mentioned urged compulsory attendance as a remedy; that scarcely would be consistent with their opinions that the schools were not satisfactory. Enrollment in public schools was 20,096 in 1845; 24,743 in 1850; 26,883 in 1855. Average attendance was 13,282 in 1850, and 18,998 in 1855. School population was estimated as 33,958 in 1850, and 39,001 in 1855. Average attendance improved, but enrollment was not keeping pace with the increase of population, which meant that boys and girls who went to school were attending more regularly, but that not so many as ought to do so were going to school. Commissioner Potter urged abolition of tuition as a remedy; and Commissioner Allyn was convinced that the cost of textbooks was a vexatious cause for poor enrollment.

Two bills dealing with truancy were passed by the Rhode Island House of Representatives in 1853, but failed of passage in the Senate. One empowered towns and cities to provide by ordinance for the punishment of "truant children between the ages of five and fifteen who are growing up in ignorance, are without regular or lawful occupation and are habitual truants from school," by fine or imprisonment in reformatory institutions. The other bill conferred similar powers upon the city of Providence. Commissioner Potter expressed his satisfaction at the defeat of both bills, which were intended to deal with the withdrawal of Roman Catholic children from the public schools of Providence after the opening of Catholic schools in that city. In May, 1851, the school committee of Providence noted "a considerable diminution of the numbers attending several of the schools has recently taken place by the removal of children of Roman Catholic parents, schools having been provided for them under the immediate supervision of the clergy of their order and several of the Sisters of Mercy." In 1855 "this apparent decrease in the number of children attending our public schools, notwithstanding the large increase in population," was accounted for "by the fact that several hundred children have been withdrawn to attend the Roman Catholic schools." The several hundred were over 600, and in 1865 the number had increased to 1273. Commissioner Potter's objection to the truancy bills was consistent with his firm opposition to any public action savoring of sectarianism or bigotry. To furnish a basis for sound public opinion in Rhode Island Commissioner Potter collected and printed with one of his annual reports voluminous extracts from discussions aroused in other commonwealths concerning diversion of public money to the support of religious denominational schools, and concerning "disestablishment" in instances in which the public schools were practically controlled by predominating religious societies which insisted upon using the schools supported by general taxation as agencies for teaching dogmatic religion. He held firmly that, provided a parent fulfilled his obligation to provide education for his children, the parent had a right to choose the school; he characterized compulsory attendance at public schools exclusively, as an invasion of the rights of individual liberty and the right of free and liberal thought. State control of

all education he characterized as a first step toward despotism. Commissioner Potter's views were substantially those that characterize Rhode Island's compulsory attendance laws, which require attendance on public instruction, but accept in lieu thereof private instruction or attendance on private instruction, provided either has been approved by the public school committee as substantially equivalent in time, content and discipline to public school instruction. The bills that he condemned were of the type declared unconstitutional by the United States Supreme Court.\* By his firm stand, Commissioner Potter was able to avoid in Rhode Island the consequences of a controversy that distressed other states. He was a Rhode Islander of a type that would warm the hearts of Roger Williams and John Clarke. He laid down the rule still governing devotional exercises and the reading of the Bible in public schools: "The reading of the Bible or conducting other devotional exercises at the opening or closing of schools is neither forbidden nor commanded by law, and rests with the teacher, who should respect his own conscience and the consciences of his pupils and their parents."

The General Assembly in 1853 limited the hours of labor of children employed in factories, and in 1854 forbade the employment of minors under fifteen in factories for more than nine months in a year and unless the minor had attended school three months in the preceding year. Commissioner Allyn was ordered in 1855 to ascertain and report the number of children in the state between the ages of six and fifteen years who are habitual truants from public schools, with suggestions and recommendations. A law permitting towns and cities to "make all needful provision and arrangements concerning habitual truants and children between the ages of six and sixteen, not attending school, without any regular employment, and growing up in ignorance, and also, such ordinances and by-laws respecting such children as shall be deemed most conducive to their welfare and the good order of such town," followed. Such children might be committed to "any such institution of instruction or suitable situation as may be provided for that purpose," but not "to any place used for the reception of criminals or to any reform school." Ordinances and by-laws must be approved by the Commissioner. The law was clearly defective and scarcely likely to be enforced, for two reasons: (1) That it *empowered*, but did not *require*, towns and cities to act; and (2) that there were no "institutions of instruction . . . provided for that purpose," nor was it probable that any town or city would establish such an institution.

While Rhode Island was still struggling with the problem of attendance arising from neglect of opportunities for education, one class of citizen was demanding equal rights and privileges on the ground that it was discriminated against. As early as 1828 Providence established a separate school for colored children; a second school was opened in 1837, discontinued in 1839, reopened in 1842 and continued to 1865. Newport and Bristol also maintained separate schools for colored children. The statutes provided no remedy for this "discrimination," for these children were excluded from attending the public schools nearest their homes by a "general regulation applicable to all persons under the same circumstances"; nor was there substantial objection as long as the schools provided were of a grade corresponding to other public schools. The situation changed, however, when colored children were excluded from the high school in Providence, which was supported exclusively for white children. Petitions praying for "equal rights" were presented in the General Assembly, and hearings were conducted; in 1866, before the ratification of the Fourteenth Amendment to the Constitution of the United States, Rhode Island enacted a law declaring that "no person shall be excluded from any public school by reason of race or color." Providence maintained separate elementary schools for colored children for several years after 1866 by withdrawing white children from schools in two precincts in which the colored population was segregated. No colored child, after the law was passed, was excluded from a school in violation of the statute; but

\**Pierce vs. Sisters of the Holy Name*, 268 U. S. 510; and see *Meyer vs. Nebraska*, 262 U. S. 390.

white children were "discriminated against" by being sent to other schools. Even this discrimination ended when the colored population was distributed through the city.

Commissioner Bicknell in 1879 undertook a vigorous campaign to improve attendance, making his appeal to the people on census figures indicating that adult illiteracy was increasing in Rhode Island at an alarming rate. The number of adult illiterates in Rhode Island, as reported by Bicknell, was 3607 in 1850, 6112 in 1860, 10,181 in 1865, and 16,786 in 1870. Adult illiteracy had increased 367 per cent., while population had increased scarcely fifty per cent. in twenty years. Bicknell laid the blame for this situation upon the public schools and advocated seven "remedies" as follows: Excellent common schools, intelligent and interested public sentiment strongly positive in favor of universal education, enforcement of a law forbidding the employment of children under twelve in factories, enforcement of a law compelling factory children to attend school five months per year, a truant and vagrancy law, evening schools for persons over sixteen years of age, a literacy test as a qualification for suffrage rights. An analysis of the census figures shows, however, that native born adult illiteracy was decreasing in Rhode Island in proportion to population, and that the increase in adult illiteracy was among foreign-born residents. None of Bicknell's "remedies" dealing with common schools or children could affect this part of the population seriously; the single remedy relevant to the educational problem lay in "evening schools for persons over sixteen years of age." The General Assembly was impressed by Bicknell's presentation of statistics, enacted an improved attendance statute, and began to make annual appropriations for evening schools.

The development of a model compulsory attendance law has been a matter of years of persistent persuasion by school officers and other persons interested in the welfare of children. The more significant advances have been the annual school census law of 1878; mandatory provision for truant officers, 1887; penalties for truancy and neglect to send children to school, 1902; increase in the period of required attendance annually to eighty days (1887), to one full term (1898), to every day and hour that schools are in session (1902); extension of school age to fifteen years as the minimum age for employment (1924); employment of children of school age, only on presentation of legal certificates of completion of school and other requirements (1887). The law requires every child who has completed seven and who has not completed sixteen years of age, except children over fifteen who are lawfully and regularly employed or engaged in business to attend some public day school in the town or city in which the child resides every day and every hour that schools are in session, but accepts attendance on private instruction approved by the school committee in lieu of attendance on public instruction. For a child (1) who has completed fifteen years of age; (2) who can read at sight and write legibly simple sentences in the English language; (3) who has attended school eight years or completed the first eight years of school work, exclusive of kindergarten; (4) who has been examined by a physician and found to be in sound health and physically fit for employment; (5) and who has found a job, an age and employment certificate may be issued to an employer. The child's age may be proved only by (1) birth certificate; (2) baptismal certificate; (3) passport, or (4) other evidence satisfactory to the Commissioner of Education. The school record must be properly certified. The child is described in the certificate. The employer must return the certificate to the issuing officer within five days after the child leaves employment, so that the child's return to school may be checked. The superintendent of schools is required to keep in his office on individual cards provided by the Commissioner the names of every child disclosed by the annual school census, and on the same card a record of the child's attendance. Uniform attendance records are kept by public and private schools in school registers provided by the Commissioner, and reports of attendance are made to the superintendent by public and private schools. The system of child accounting indicates less than two per cent. of failure to enroll in school within the years of compulsory attendance, and the two per cent. includes children mentally or physically incapacitated or properly excus-

able by reason of illness or other causes. Children over fourteen years of age may be certified for employment out of school hours and on days that schools are not in session, except Sundays and holidays.

**IMPROVEMENT OF INSTRUCTION**—Incompetency and inefficiency of teachers were frequent causes of complaint and criticism of public schools in the first half of the nineteenth century, and, considering the sources of information, outweigh testimony as to the alleged perfection of the little red schoolhouse by survivors of an ancient régime. Barnard in his effort to improve the schools of Rhode Island, and particularly to build a favoring public opinion, could not afford to alienate the support of teachers. His persistent advocacy of measures to improve teaching and teachers indicated his opinion that reform was needed; advocating examination and certification of teachers, he made this sweeping summary: "The public schools will cease to be cities of refuge for those who can find no abiding place elsewhere, or who assume the duties because they are less onerous or more lucrative than any other employment for the brief period of three or four months." He recommended teachers' institutes, reading of books dealing with the science of teaching, a model school, a normal school, certification of teachers, reading of educational periodicals, substitution in primary schools of women for men as teachers, the last for two reasons, (1) because women were better fitted for the work of teaching small children and would lend refinement to the lower schools, and (2) because their salaries were about one-half the salaries that must be paid to men. Some progress toward the accomplishment of much of his program was made before his resignation. An educational library of at least thirty volumes was placed in every town. Barnard published his "Journal of the Rhode Island Institute of Instruction" for three years, and circulated it among the teachers of the state; it was followed by the "Educational Magazine," started by Commissioner Potter, and in 1855 by the "Rhode Island Schoolmaster." In 1874 the "Schoolmaster" was absorbed by the "New England Journal of Education." The three Rhode Island publications were assisted by state appropriations. Teachers' institutes were conducted by Barnard and experienced teachers under his direction. The state made its first annual appropriation for teachers' institutes in 1849. The Rhode Island Institute of Instruction, organized at Barnard's suggestion, received his hearty support and encouragement, and has had a continuous history since 1844, being the oldest state teachers' association in the United States. Women teachers gradually replaced men teachers. Barnard in one year helped fifty young women to positions. The normal school was authorized by the act of 1845, but no appropriation to establish or support it was made available. Commissioner Potter, a persistent advocate of a normal school, in 1850 recommended coöperation with Brown University, the university to found a professorship of didactics,\* with the possibility of uniting the office of Commissioner and professor in one person. The General Assembly appointed a committee to confer with the corporation of the university, but the committee made no report. The university acted by establishing a teacher-training department with Samuel S. Greene, then superintendent of schools in Providence, as professor of didactics. Thus Brown University was the first American college to establish a department of education. The university department was short-lived. A private normal school was established in Providence in 1852 with a faculty consisting of Professor Greene and Messrs. Russell, Colburn and Guyot, instructors, respectively, in English grammar, elocution, mathematics and geography. This normal school was a financial failure in spite of the unquestionably superior quality of the faculty. Under the direction of the Commissioner, a state-aided normal school was opened in Providence on May 29, 1854, with Dana P. Colburn and Arthur P. Sumner as instructors. This normal school was removed to Bristol in 1857, and abandoned in 1865 following the death of Colburn. The General Assembly from 1866 supported teacher-training classes in academies until, in 1871, the Rhode Island Normal School was established in Provi-

\*Old name for pedagogy.

dence. The name of Rhode Island Normal School was changed in 1920 to Rhode Island College of Education.

**BANISHING THE DISTRICT**—The school district was a device for dividing municipal responsibility for the support of schools, and for associating responsibility closely with the community to be served. It was assumed that local interest in the welfare of children could not fail to assure adequate provision for education. The assumption was not justified in experience; John Kingsbury, after visiting every school in Rhode Island in his year as Commissioner, declared that the differences that he noted in districts depended principally upon the initiative and interest of individual residents. The district system tended to produce marked inequality in opportunities for education even within towns. The Rhode Island act of 1800 ordered the division of towns into districts, and empowered districts to build school-houses and levy taxes for school support. Districting was permitted by the act of 1828, but the school committee retained the function of selecting teachers. Districts were granted corporate powers in 1839, and the taxing power in 1844. The Barnard act created a new school officer—the district trustee or three district trustees for each school district—with effective functions for controlling and managing district schools that weakened the school committee as repository of the town interest in schools. The care with which the Barnard act allocated functions to school committee or to district trustee was thorough, but it effectually placed the actual control of schools in the district. Town or district organization was optional under the law, as Barnard explained, “to meet the present practice of the towns of Warren, Bristol and Newport. It would be better for the cause of education if more of the towns would act under the power given in this paragraph. A classification of the children, not according to their location, but according to age, studies and proficiency, is the great object to be attained, and the facility for doing so, when enjoyed as now by compact villages, ought not to be thrown away.” Barnard apparently was not conscious that the school building act of 1844 and his own school law of 1845 had so strengthened the school district in Rhode Island as to make the district an obstacle to establishing the town system. The suggestion that the Barnard act abolished existing districts and necessitated a reorganization was quieted in 1846 by a statute confirming district lines until the school committee changed them. Again, Barnard apparently neglected the legal doctrine of *functus ex-officio*—that is, that an option ceases when it is exercised; there was no provision in the statute whereby a town organized under the act of 1845 on either town or district system could change subsequently to the other. The school committee’s power to alter district lines and to discontinue any district by division or consolidation§ did not extend to discontinuing all or consolidating all districts. The General Assembly, in 1884, authorized towns to discontinue the district system, and within ten years Barrington, Bristol, Burrillville, Cranston, Cumberland, East Providence, Johnston, Lincoln, Newport, North Providence, Pawtucket, Providence, Warren and Woonsocket—fourteen towns were operating schools without districts. Central Falls became a city in 1895 without school districts. Jamestown and Little Compton abandoned the district system in 1899, and South Kingstown and Westerly followed in 1902. Thus half the towns had been reclaimed when the Rhode Island Institute of Instruction undertook a persistent propaganda for complete abolition of the district system. The General Assembly in 1903 abolished all school districts after January 1, 1904, save as corporations for the purpose of winding up corporate business. The public schools passed immediately under school committee control, and the town or city became exclusively the municipal unit for school support and administration.¶ Abolition of districts meant (1) a reduction in the number of school organizations or administrative units from over 300 to thirty-eight; (2) reduction in the number of school officers from over 2200 to less than 300; (3) reduction in internal friction, indicated by a marked

§*Bull vs. School Committee* 11 R. I. 244.

¶Held constitutional. *Re School Committee of North Smithfield*, 26 R. I. 165.



ELISHA REYNOLDS POTTER—1811-1882

Adjutant General; Representative in Congress; Member of General Assembly;  
Commissioner of Public Schools; Associate Justice of Supreme Court;  
Lawyer; Educator; Judge; Legislator; Historian



decrease in the number of appeals heard and decided by the Commissioner after the abolition of districts; (4) concentration and centralization of power, but also clearer identification of the location of responsibility; (5) freedom for towns in dealing with local educational problems, unhampered by the obstacle of an imperium in imperio; (6) reduction of the "vested" interest in the older organizations that were obstacles to general improvement, as districts that had provided good schoolhouses and maintained good schools defeated projects for rallying town support to weaker districts; (7) consolidation of schools and replacing ungraded with graded schools; (8) a general tendency toward the elimination within towns of marked inequality of educational opportunities.

**BUILDING A STATE DEPARTMENT**—The Commissioner was a new officer in Rhode Island, and must find his place. Besides being (1) an educational expert competent to advise the General Assembly in its capacity as a state school committee; (2) a publicity agent for projects for school improvement; (3) an efficiency agent for awakening and maintaining public interest in schools, and (4) the amiable counsellor of school officers, teachers and parents, the specific duties prescribed for the Commissioner made him (5) dispenser of the state school money; (6) a state superintendent of schools with visitorial and inquisitorial powers; (7) an agent charged with the improvement of teachers and teaching; (8) a school statistician, and (9) a judicial officer whose function it was to reduce the friction of parts and attend to the mechanics of a small system of laws involving, however, a multiplicity of public interests. He must be an expert educator, a sound counsellor, an able administrator, a firm diplomat, and a just man—the last to protect himself from the entanglements with which his intimate and intricate relations with so many officers and people threatened him. His judicial power was of the utmost importance, because it strengthened his position in most other relations. It gave his advice a weight that it could not have had otherwise, for a school officer or school committee which neglected the advice of the Commissioner ran the risk of having his or their action reviewed by the Commissioner on appeal. The General Assembly established important precedents during the Barnard administration by referring to the Commissioner appeals to it for adjustment of school disputes, in decided contrast to its earlier practice of entertaining petitions for relief even from the judgments of courts.\* Both Barnard and Potter, through careful exercise of the appellate jurisdiction conferred upon them, strengthened it. It fell to Potter, as an Associate Justice of the Supreme Court in 1873, years after he had resigned as Commissioner, to write the decision of the Court in Cottrell's Appeal,† holding that the Commissioner's appellate jurisdiction is not limited to complaints arising from infraction of law, but extends to reviewing legal acts of school committees and reversing them as conflicting with sound educational policy. The decision overruled an earlier decision.‡ The Commissioner's finding of facts is conclusive, and may not be examined by a court subsequently;§ a justice is limited to reviewing only findings of law. The law does not provide for an appeal from the Commissioner's decision; he may if he wishes, and he must if he is requested, submit his decision to one justice of the Supreme Court for approval. The decision, when thus approved, is final, and may not be set aside even by the Commissioner himself, for rehearing. Following the decision in Cottrell's Appeal there was a reaction, indicated by a statute substituting review by the full bench of the Supreme Court for approval of decisions by one justice; after a brief trial, which demonstrated the wisdom of the earlier system a return to it was made. In spite of the strength that both Barnard and Potter contributed to the office of Commissioner, the latter recognized the fundamental weakness of a single executive officer, and in 1855 recommended the appointment of a state board of education as a device for strengthening the education department. A board was created in 1870.

\*Held unconstitutional, *in re Dorr*, 3 R. I. 299; *Taylor vs. Place*, 4 R. I. 324.

†10 R. I. 615.

‡*Gardner's Appeal*, 4 R. I. 602.

§*Smith's Appeal*, 4 R. I. 390.

THE WORK OF THE COMMISSIONERS—Barnard's work as Commissioner in Rhode Island, monumental as it was in accomplishment, was interrupted and eventually terminated by serious illness. Of the progress achieved in six years Commissioner Potter reported that of 322 school districts 231 owned schoolhouses, and that \$360,000 had been expended for rebuilding or new construction. Barnard had been confidential adviser of the General Assembly, and was rewarded by acquiescence in most of his program. Potter, who succeeded Barnard, was influential. Born in the same year, 1811, as Barnard, Elisha R. Potter was son of Elisha R. Potter, lawyer, member of the General Assembly and of Congress, who served Rhode Island in the Assembly from 1796 to his death in 1835 almost continuously, save for four terms in Congress. The younger Potter was a trained public officer, besides being a lawyer by profession.\* He was Adjutant General 1835-1836; member of Congress, 1843-1845; assistant to Barnard, 1846; member of the General Assembly many years, and became an Associate Justice of the Supreme Court. For ten years from 1845 the chief educational office was in the hands of strong men, and progress was continuous. Potter was more than a disciple of Barnard; he brought to the office of Commissioner the advantages of familiarity with public administration, and sound training in the law that was almost invaluable. He had a vision of higher education supported by the state, discussing in one of his reports the place of a college in a state educational system. Three efforts to establish a normal school were made by him. His repression of the religious issue in 1853 at a time when Know Nothingism was rising, was followed by legislation when wiser counsels prevailed which paved the way for harmony and for bringing private education under public supervision when offered in lieu of attendance in public schools. Potter believed that Rhode Island had not made educational progress so rapidly as was possible, and was consistent and persistent in advocating educational reforms, though always rather more a conservative than a radical reformer.

The third Commissioner was Robert Allyn, clergyman, and principal of East Greenwich Academy immediately preceding his appointment. He resigned in 1858 to accept the chair of languages at Athens University, Ohio, and was subsequently President of Cincinnati Wesleyan Female College, of McKendrie College, and of Southern Illinois Normal University. He was a schoolmaster rather than an educational statesman, a pedagogue rather than an administrator. His most important service was the collection of statistics of enrollment and attendance which established forms for modern child accounting; yet he failed, after collating the information, to make recommendations or explanations that would help the General Assembly to act. His early reports recommended restriction of textbook abuses, abolition of districts, a state teachers' certificate law, state assistance in supplying reference works and dictionaries for schools; his later reports were pedagogical, and more suitable for addresses at meetings of teachers than for reading by the General Assembly. He ranked neither with Barnard as a schoolman nor with Potter as an administrator; he lacked the clear understanding of school problems possessed by the former, and the legal and practical knowledge and the force of the latter. John Kingsbury was Commissioner for one year, after thirty years of service as principal of a select high school for young ladies. He visited every school district in the state, and in his report on conditions as he found them presented an interesting picture of the public schools of Rhode Island fifteen years after the beginning of the Barnard movement. His discussion of the district system in operation was illuminating as it portrayed marked inequality. He wrote: "The most remarkable circumstance to be noticed . . . is the great contrast, not so much between the structure and condition of the schoolhouses of the various towns—though there is here enough to challenge attention—as between the structure and condition of the schoolhouses of the same town, and sometimes between those of adjacent districts. . . . In the one district you will find the schoolhouse beautiful, commodious, everything without and within being so arranged as to attract and win the hearts of the young.

\*The list of lawyers who have been successful educational reformers is unique; it includes Dorr, Barnard and Potter of Rhode Island; Mann of Massachusetts; and Draper of New York.

In the very next district everything is reversed. Instead of attraction, the prevailing principle as seen in the schoolhouse and its surroundings is repulsion. . . . It is found on inquiry that there is an equal amount of wealth in both districts, an equal number of children to be educated, and that these children are equally dependent upon their education for the stations in life which they are to occupy." There were school districts in Rhode Island in which the building of schoolhouses had become a "standing bugbear to further improvements in their neighborhood. They are," wrote Kingsbury, "like expensive dwelling houses, whose owners have so crippled themselves in building that they cannot afford to live in their houses after they are built. In respect to such schoolhouses the standing argument is, we have expended so much money in building our house that we cannot afford to tax ourselves for a good school." Kingsbury, who believed that the Barnard law was as perfect as legislation could be made, suggested no remedy.

Joshua B. Chapin, who succeeded Kingsbury, was not reappointed by Governor Sprague in 1861, if for no other reason than because Chapin was a Republican and Sprague was a Democrat, for the time being. Chapin returned to the office in 1863 when a Republican Governor replaced Sprague, who had been elected as United States Senator. Civil War overshadowed most other interests, including schools, during the administration of Henry Rousmaniere, who was Commissioner by appointment of Governor Sprague. Rousmaniere's public addresses and reports indicate thorough familiarity with school questions from the administrative rather than the teaching point of view. He reorganized the form of Rhode Island school reports, which had been made to the General Assembly and printed annually from Barnard's time, introducing changes that were followed generally by his successors in office. Joshua Chapin, Commissioner, 1859-1861, and 1863-1869, was a physician and pharmacist, and identified with a photograph gallery, which was, however, conducted by Mrs. Chapin, whose work as an artist was distinctive. Chapin advocated various reforms, among them a longer school year, professional supervision in all municipalities, increased appropriations for schools, modification of the district system to place more effective control of district schools with school committees, employment of women teachers in elementary schools, better salaries for women teachers, etc. Under a statute enacted in 1867 which required the Commissioner to visit every school in the state at least once annually, Chapin travelled 1200 miles and accomplished the task; the law was repealed in 1868. Chapin was a keen and able critic, and his reports deserved better attention than they received from the General Assembly. The latter was engaged in an educational program of its own, and during his administration enacted the statute abolishing tuition and making the public schools of Rhode Island free schools.

The fifteen years from 1855 to 1870 were not marked by notable progress in public education, and the office of Commissioners had receded from the position of prominence and influence that were characteristic during the administrations of Barnard and Potter. From being an officer closely in contact with the General Assembly as its professional adviser, the Commissioner had become a supervisor of schools, and had drifted apart from the General Assembly. The political activity that had operated to remove two Commissioners with change in the political affiliations of the Governor was not helpful. Commissioner Chapin was not able to save even the normal school at Bristol as it tottered toward elimination. The need for a state board of education was more pressing in 1870 than it had been in 1855, when Potter recommended it. Even the office of Commissioner was endangered by its reputation for weakness.

Fortunately a resolute, resourceful man was available, and Governor Padelford appointed Thomas W. Bicknell as Commissioner in 1869. The heart of impetuous youth still beat in the bosom of Bicknell in his ninetieth year; he was a young man, only 35, when he became Commissioner. Bicknell found the office of Commissioner scarcely a shadow of its former influence; his prayerful promise to revive it was fulfilled. In five years he accomplished a

series of improvements scarcely equalled otherwise for the same time. In his first report he renewed Potter's recommendation that a state board of education be created, and the General Assembly established the board. "The general supervision and control of the public schools . . . with such high schools, normal schools and normal institutions as are or may be established and maintained wholly or in part by the state," were vested in the new board. The Commissioner remained dispenser of state school money, state visiting and inspecting school officer, and repository of judicial powers, and he became secretary *ex-officio* of the board. Instead of being appointed by the Governor, he was first nominated by the board for appointment by the Governor, but afterward elected by the board. He was directed to report to the board annually instead of to the General Assembly. The board, in turn reported to the General Assembly, thus becoming the connecting link between the school department and the General Assembly. The Governor, as President of the State Board of Education, became a responsible public school officer. Bicknell next undertook to reestablish the normal school, and was successful in 1871 in his appeal to the General Assembly, which made an appropriation of \$10,000 available and created for the administration of the normal school a board of trustees, consisting of the State Board of Education and the Commissioner. Temporary quarters were hired in Normal Hall, a building previously occupied by the High Street Congregational Church in Providence. The state purchased for the normal school in 1875 the original high school building in Providence, and in 1898 completed the principal building now occupied by the normal school under its modern name, Rhode Island College of Education. Bicknell's campaign for a longer school year was successful to the extent that the revised statutes of 1872 established as the minimum the six months' school year already attained by most towns; the new law not only prevented reverting to a shorter standard, but brought all towns up to the minimum. His campaign to reduce illiteracy, though based upon erroneous interpretation of census tables,\* yielded an annual appropriation for public evening schools. Bicknell recommended and urged many other projects for advancing education; he resigned in 1874, after a career more remarkable for achievement than for invention. His success lay in his ability to accomplish his purposes; there was little of novelty in his recommendations. The Board of Education commended in Bicknell "a diligence, a wisdom, and a contagious enthusiasm, which, it is believed, has resulted in lasting benefit to the cause."

STATE BOARD OF EDUCATION—The State Board of Education in its first report to the General Assembly recommended (1) that towns be required to appropriate for school support an amount at least equal to the school money received from the state; (2) that every town be required to employ a superintendent of schools; (3) that a normal school be established; (4) that towns be required to adopt ordinances dealing with truancy, and (5) that the hiring of teachers be entrusted exclusively to school committees. All but the last of these recommendations were enacted into law by the General Assembly in 1871. The board's first important accessions of power were the right to elect the Commissioner, and the designation of Board and Commissioner as a board of trustees for Rhode Island Normal School. The board was authorized to apportion the annual appropriation for evening schools in 1873, and in 1875 was entrusted with the apportionment of an annual appropriation for free public libraries. Many of the free public libraries established through the efforts of Henry Barnard and aided by the philanthropy of Asa Manton had disappeared; the appropriation made in 1875 assisted in a new development of public libraries out of which has come the modern system. The abolition of tuition, amendments that raised the annual school appropriation to \$90,000, the appropriation of dog license fees for support of schools, the creation of the Board of Education in 1870, and the approval of four of five of the board's first recommendations in 1871, leave no doubt of the General Assembly's disposition toward educational reform in the period. On two matters the General Assembly hesitated to act; these were the abolition

\**Supra.*

of school districts or radical interference with the district system, and school attendance. When the General Assembly could be persuaded to act at all with reference to attendance, the legislation was weak, if not impracticable and inoperative. Relations between the Assembly and the department of education as a rule were harmonious, in spite of the Assembly's neglect of some recommendations. There was, however, occasionally a note of discord. Such, for example, was the resolution adopted in 1874 appointing a committee to inquire into "the workings, cost and efficiency of the public school system of the state." It was repealed at the same session, and a committee was appointed to inquire into and report changes "which are necessary in the laws relating to public education."

**TAX EXEMPTION**—Exemption of property used for educational and religious purposes was investigated by a committee of the General Assembly in 1875. The first general exemption statute, 1769, covered "all lands and other real estate granted or purchased for religious uses or for the uses of schools within this colony." The Digests of 1798 and 1822 exempted both real and personal property used for schools or religious purposes. Seven years later exemption was limited to buildings and land on which they stood. Tax exemption of land was limited to three acres in each instance early in 1855, but the limitation was repealed in June, 1855. The second act of 1855 exempted land and buildings actually occupied and used for educational purposes, except land leased at rent for the use and support of schools, academies or colleges; the exception was repealed in 1857. As a public hearing conducted in 1875 Bishop Hendricken of the Roman Catholic Diocese of Providence, Bishop Clarke of the Episcopal Diocese of Rhode Island, President Robinson of Brown University, and other speakers favored exemption; there was strong opposition, and the committee of the General Assembly, which was also hostile, reported a compromise recommendation limiting exemption to buildings. The General Assembly was more generous than its committee, but limited the exemption of property held for education to free public schools and of churches to religious edifices and not exceeding one acre of land surrounding the same. A test case was taken to the Supreme Court to determine the meaning of the words "free public schools," which might be interpreted as schools charging no tuition and open to patronage by the general public, as distinct from select schools charging tuition. The school selected for the test case was a Catholic school maintained by a parish church, charging no tuition, and open to children whose parents chose to send them; it actually enrolled at the time the test was made children not of the parish and not of the Catholic Church. The Supreme Court held that "free public schools" meant schools which "are established, maintained and regulated under the statute laws of the state."<sup>†</sup> Five years later, 1883, the court held that a building used for religious purposes is exempt from taxation, although used for educational purposes as long as the educational use is merely incidental or occasional, or so long as the use, if habitual, is purely permissive and voluntary and does not interfere with the use for religious purposes, there being no alienation of the building in whole or in part for educational uses, as, for example, by lease.<sup>‡</sup> In the particular instance a building that had served as a church was used for religious exercises and also as a schoolhouse after the society had built another church. A building used as dormitory for teachers is not exempt as a building used for educational purposes.\* The Supreme Court held in 1924 that a "free public library" is a collection of books loaned to the general public without fees for use of books,<sup>§</sup> rejecting the suggestion that "free public library" is limited in meaning to libraries "established, maintained and regulated under the statute laws of the state." As it abolished tax exemption of private schools the act of 1875 abolished also the right of school committees to visit and inspect private schools that had been reserved as to schools claiming tax exemption under the law of 1855. The truancy statute of 1883 revived

<sup>†</sup>St. Joseph's Church vs. Assessors, 12 R. I. 19.

<sup>‡</sup>St. Mary's Church vs. Tripp, 14 R. I. 307.

<sup>\*</sup>In re city of Pawtucket, 24 R. I. 86.

<sup>§</sup>Gregory's Bookstore vs. Providence Public Library, 46 R. I. 283.

a conditional right of inspection, so far as it accepted attendance at "approved" private schools in lieu of attendance on public instruction, and tax exemption was restored in 1894. Tax exemption is lost by refusal to permit visitation. The current exemption for education covers "the buildings and personal estate owned by any corporation used for a school, academy or seminary of learning, and the land upon which said buildings stand and immediately surrounding the same to an extent not exceeding one acre, so far as the same is used exclusively for educational purposes," provided the corporation is not conducted for profit. In addition to the general exemption provided by the statutes, more liberal exemption has been granted to certain institutions by their charters or special act of the General Assembly.

**THIRTY YEARS AS COMMISSIONER**--When the General Assembly, in 1875, requested the Commissioner to report whether any and what means were used in the public schools "to implant and cultivate in the minds of all children . . . . the principles of morality and virtue," as required by the statutes for thirty years, the new Commissioner, Thomas B. Stockwell, cited practice regulating reading of the Bible and the opening of school sessions with prayer or other devotional exercises, and emphasized the importance of the teacher's influence and example. Commissioner Stockwell remained in office as Commissioner for thirty years, a period equal to the combined service of all his predecessors. His most significant contribution to Rhode Island education was clear definition of the issue involved in compulsory attendance and an approach to perfection in the form of the attendance law. The first gain was the annual school census law of 1878, which in a short time furnished for the Commissioner exactly the type of statistical information necessary for another forward movement, which bore fruit in the truancy law of 1883. With this the Commissioner was not satisfied, finding that "the chief defect in the law is that it does not provide positively for its enforcement. Its provisions are clearly mandatory, but there is no power lodged anywhere to make the command obligatory. As it is, the city of Providence and a number of towns have failed utterly to comply with the law in their municipal capacity. . . . Either a penalty clause should be added to the law, or the state should assume charge of the matter." The Board of Education was more emphatic in its discussion of the new statute, thus: "The logic of events is carrying the state forward to full recognition of the necessity of assuming the responsibility of the school system and its maintenance. Heretofore the legislation of the state has been mainly permissive, not mandatory. It has made laws according to which communities may sustain schools, and has levied taxes to encourage communities to do so, but it has not made schools necessary, nor has it taken upon itself to provide them. And to something equivalent to this the state is now being forced by events. The argument in a nutshell is this: The people must be thoroughly educated, but they never have been by a voluntary system, and they never can be. It has only been when the state takes upon itself to see that every child received proper instruction that the work is thoroughly done. It has been taken for granted that if an offer of a free education opening the pathway of usefulness and honor to all was really made, it would be universally accepted. The assumption has not been justified. . . . And so thousands of children, after municipalities and the state have lavishly afforded the means of education, have grown up and are growing up in ignorance. The present illiteracy of Rhode Island is a conspicuous and humiliating illustration. . . . Education should no longer be merely offered; it should be required, and if the patriotic citizens have the courage of their convictions and the good sense to be consistent, it will be required. It is not yet time, perhaps, to talk of inconsistency and cowardice, but that time rapidly approaches. The discussions of the General Assembly during the last few sessions have greatly forwarded the public sentiment which demands that our system of education be made more effective by the enactment of a comprehensive and unequivocal compulsory law. The truancy law enacted a little more than a year ago, though an encouraging advance, *is not a right-out, square declaration by the state that ignorance shall be stamped out and every child God has made capable of*

*intelligent citizenship shall be qualified as such.* The law makes it possible for localities—yes, for all the localities of the state—to make the declaration, but it does not make it itself. . . . If the law remains as now, the towns which refuse to employ children who have not received the prescribed instruction will lose their help. It has been, in this short time, no uncommon thing for a family of five to leave town for another locality. . . . The town that does not execute the law is a provocation to the town that does, to repeal the law. . . . In some localities the lack of school accommodations is doubtless the reason no action has been taken under the law. While such a reason may be good for a short time, it cannot for such wealthy communities as Providence and Pawtucket be made to serve long as an apology for not doing what every patriotic and honorable sentiment declares should be done at once. It is to be hoped that such communities will speedily awaken to recognize how prejudicial to the cause of education is their delay. Every day and every month of such neglect is a wrong to the youth and a danger to the state." Thus the issues were clearly defined, although the ideal compulsory attendance law was not achieved until years after the State Board of Education had spoken thus plainly to the General Assembly.

ANOTHER SURVEY—The latter, in 1896, adopted resolutions as follows:

Whereas, the Constitution of Rhode Island declares that "the diffusion of knowledge as well as of virtue among the people being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education;" and whereas, the opportunities afforded for education should be uniform throughout the state; and whereas, owing to the inability of some of the towns to raise by taxation a sufficient amount of money to provide, with the assistance of the present state appropriations, public schools equal to those provided by the more populous and wealthy towns, the school facilities of the state are not uniformly of the highest grade; therefore resolved, that the State Board of Education be requested to prepare and report to the General Assembly measures by which the state shall still further supplement the revenues and efforts of the towns, to the end that the system of public schools throughout the state shall be uniformly of the highest attainable standard.

The board's answer was an elaborate report covering school conditions systematically and in detail, classifying towns, first, as those maintaining and, second, as those not maintaining high schools. High schools were maintained in Providence, Newport, Pawtucket, Woonsocket, Central Falls, Cumberland, East Providence, Barrington, Warren, Bristol, Johnston, Westerly, Cranston, Ashaway and Hope Valley in Hopkinton, while pupils from Lincoln attended high school in Central Falls. Most other towns maintained schoolhouses with one to four rooms, with some attempt at grading of pupils and courses of study, but pupils seldom reached the upper grammar grades. Six towns, Exeter, Foster, Little Compton, New Shoreham, Middletown, and West Greenwich, had no graded schools. The towns maintaining high schools were mostly eastern and northern towns. In the twenty-two towns having no high school were 188 schools, 131 of which had less than twenty pupils enrolled, forty-nine less than ten pupils enrolled. The average size of schools for the whole state was thirty-six pupils. The board urged the necessity of uniting small schools, but found that the twenty-two towns comprised eighty per cent. of the total area of the state and contained only twenty per cent. of the total school population. Of seventy-two\* teachers in the state having only common school education, seventy-one were employed in the twenty-two towns. The highest salary paid to any teacher in these towns was \$467.50 annually, and the lowest \$230.83 to a woman, and \$209.05 to a man. These towns had only one-seventh of the taxable wealth of the state, and in seventeen of them the per capita wealth was less than the general average throughout the state. The faults found by the board were low grade or no grade schools, small schools, poorly prepared teachers and poorly paid teachers. The environmental difficulties were scat-

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\*This type of teacher has since then disappeared.

tered population and low average per capita wealth. The board recommended consolidation and grading of schools, better examination of teachers' qualifications, trained or skilled supervision, high school facilities, financial aid by the state, that no town should lose any part of its share in the apportionment of state school money by reason of consolidation and reduction in the number of its schools.

The General Assembly, at the January session, 1898, passed "An act to secure a more uniform high standard in the public schools of the state." It provided for the improvement of schools, by consolidation of small ungraded schools and the establishment of graded schools, by encouraging the establishment of high schools with state support, and by state certification of teachers, or the establishment of standard qualifications. The premium for consolidation of schools was also an inducement for abandonment of the district organization. The act of 1898 offered state support for high schools maintained by towns, or to towns not maintaining high schools that made provision for high school education at high schools in other towns or in academies approved by the State Board of Education. The high school law in its optional form was made mandatory in 1909, as it required towns not maintaining high schools to make provision for secondary education. The act of 1898 operated to encourage consolidation throughout Rhode Island, and in consequence thereof many one-teacher, one-room, ungraded schools were closed. Few one-room schoolhouses have been constructed since 1898. The extensive building of state highways, and the improvement of automobile traffic, including the development of comfortable school cars, has tended to promote consolidation and to make it feasible and convenient on the basis of transportation of pupils to central schoolhouses miles from home. Other significant advances during Commissioner Stockwell's administration were (1) the statute providing an annual appropriation to assist towns in providing apparatus and reference books for schools, 1880; (2) the increase in the general state appropriation for schools to \$120,000, 1884; (3) publication of the first annual program for Arbor Day, 1891, to be followed by other annual programs for Flag Day and Rhode Island Independence Day; (4) the free textbook law, 1893; (5) the inauguration of a state system of certification of teachers, 1898; (6) the beginning of state support for professional supervision, 1903; (7) the abolition of districts, 1904, and (8) the beginnings of a number of institutions planned to supplement the state-town system of public schools, by providing opportunities for advanced and higher education, and education for persons deprived of normal sensory capacity. Commissioner Stockwell resigned in 1905.

SCHOOLS AT THE END OF THE CENTURY—The end of the nineteenth century was reached with a state school system completely achieved, and reaching into every town in Rhode Island. The organization began with the General Assembly, designated a state school committee, entrusting administrative functions to the State Board of Education which in turn employed the Commissioner as its executive agent. The Commissioner was more than agent for the board, however; his office was older than the board, and as chief state school officer he retained functions that were independent of the board. In towns and cities the administrative organization lay principally in a school committee elected by the people, which employed a superintendent of schools as executive agent and as supervisor, teachers, truant officers, census enumerators. In half the towns the schools were still conducted on the district plan; in these the teachers were employed by district trustees. The district plan was abandoned in 1904. Schools were supported by state, town and district taxes and appropriations; dog tax and poll tax receipts were set aside to school support. Town or district could acquire real estate for school purposes. Towns were required to conduct schools, and received state support for high school education if it were provided. No tuition was charged, and textbooks and supplies were provided at public expense. Attendance was compulsory for children of school age. Teachers must be certificated to become eligible for employment. The state-town system of schools was supplemented by Rhode Island State College, Rhode Island Nor-

mal School, Rhode Island Institute for the Deaf, the State Home and School, and the Sockanosset and Oaklawn schools, the last two being reformatory. Scholarships at Rhode Island School of Design were provided at public expense. The blind were educated as appointees on free state scholarships at suitable institutions. Free public libraries, scattered in all parts of Rhode Island, and distributed so that almost every town had at least one free public library within its boundaries, were assisted by a state appropriation. Evening schools, state and town supported, offered opportunities for adult education.

The movement that had produced this state-town system had opened with the first General Assembly elected under the Constitution of 1842, which made provision for a survey of public education. Rhode Island was fortunate in obtaining the services of Henry Barnard for making the survey. A large part of the improvement was based on a program established in law—a statute drawn by Barnard, which provided for improvement immediately and progressive evolution. In the half-century Rhode Island had undertaken the solution of many difficult educational problems and had achieved success based upon valuable experience. An indication of other progress to be made lay in the act passed just at the close of the century, entitled "An act to secure a more uniform high standard in the public schools of the state."





## CHAPTER XXI.

### STATE AND NATIONAL POLITICS BEFORE THE CIVIL WAR.

 RATIFICATION of the Constitution of the United States, May 29, 1790, left Rhode Island, for the time being, without a dominating political issue. The paper money controversy was definitely ended, never to be revived, because the new Constitution forbade state issues of bills of credit. The seaport and commercial towns had achieved a victory over the agrarian towns, so far as the Constitution and membership in the federal union had established the fact of responsible central government with sufficient strength to enforce the functions within its jurisdiction, which had been so strenuously opposed in Rhode Island because of the fear that Rhode Island's unique and extraordinary liberties might be jeopardized. The sectional issue, north and south, was forgotten in the enthusiasm with which Rhode Island, once definitely in the Union, assumed the rights and duties and obligations of statehood. With the constitutional struggle ended, patriots of every variety of political opinion cast longing eyes upon the new offices, including, besides two Senators and a Representative in Congress, postmasters, a justice of the United States district court, a clerk, a district attorney and a district marshal; a commissioner of loans; a collector of customs, a surveyor and a naval officer for each of the ports of entry, Newport and Providence, for the two revenue districts into which the state was divided; and six surveyors for seven ports of delivery—one for Barrington and Warren, and one each for Bristol, East Greenwich, North Kingstown, Pawtuxet and Westerly. The Newport district included all ports of delivery except Pawtuxet and Providence. In making appointments to federal offices President Washington appears to have been guided, not so much by the statements made in applications for office addressed to him, as by advice to reward the friends of the Constitution who had participated in the movement to accomplish ratification. Pursuing this policy, he strengthened the Federalist party already well-organized in Rhode Island, as it had been in other states as part of the constitutional program of the group who planned the Philadelphia convention and carried the *coup d'état* through to fruition. The Federalist party was the dominating party in Rhode Island in 1790; the state party was closely affiliated with the national party of Hamilton and Adams. Yet the General Assembly elected as Senators Theodore Foster, who was reelected in 1790 and 1796; and Joseph Stanton, Jr., who being anti-Federalist, was replaced in 1792-1793 by William Bradford, Federalist, when the Federalist party had defined partisan lines much sharper than they had been drawn previously. Benjamin Bourn was elected as Representative in Congress by the freemen in 1790, and reelected in 1792, 1794, and 1796, in the last election as a Federalist against Republican opposition. Under the reapportionment of representation following the first census, 1790, Rhode Island was entitled to two Representatives, and Francis Malbone was elected in 1792, 1794 and 1796 as a Federalist. Federalist Representatives were chosen in 1798, but Rhode Island was represented in the Seventh Congress, 1801-1803, by two Republicans. In the presidential elections Rhode Island's votes were cast for Washington and Adams, 1792, as Federalists; Adams and Ellsworth, 1796, as Federalists; and Adams and Pinckney (one vote for Jay), 1800, as Federalists. The presidential electors were appointed by the General Assembly in 1792 and 1796, and elected by the freemen in 1800.\* Rhode Island's earliest affiliations in national politics were predominately Federalist, or with the party of Hamilton, which favored a strong central government with ample powers, although the Rhode Island Senators

\*The electors in 1792 and 1796 were two Federalists and two Republicans, but cast the state vote for Federalist candidates.

eventually voted against Hamilton's plan for federal assumption of Revolutionary debts, after supporting the principle, because they considered the share assigned to Rhode Island inadequate compensation, quantitatively and relatively. The strong support that Rhode Island gave after 1790 to the government which it had opposed stubbornly theretofore may be explained as due in no small part to the improvement in economic conditions which followed the ventures in foreign commerce made possible by the firm establishment of the new government under the Constitution, and the aggressive influence of the Browns and their associates, who had favored ratification and were Federalists before and after 1790. John Brown was elected to Congress as a Federalist in 1798.

Having ratified the Constitution of the United States, and the first ten amendments, the latter by action of the General Assembly, June 15, 1790, Rhode Island was generally contented with the Constitution as it had been amended, without further change, limitation or amplification. Except that the General Assembly ratified, in 1794, the eleventh amendment, which limited the jurisdiction assumed by the Supreme Court of the United States and repealed the doctrine of the decision in *Chisholm vs. Georgia*,† the General Assembly declared propositions for amendments inexpedient, including (1) the Vermont proposal in 1800 that presidential electors in casting their ballots designate their choice for president and vice-president, a measure subsequently, as the twelfth amendment, incorporated in the Constitution in 1804 after the Jefferson-Burr controversy; (2) the Kentucky and Pennsylvania proposal, in 1806, to limit jurisdiction of the United States Supreme Court to cases in law and equity arising under the Constitution and laws of the United States and treaties made or which shall be made under their authority, cases affecting ambassadors, other public ministers and consuls, cases of admiralty and maritime jurisdiction, to cases to which the United States shall be a party and cases between two or more states; (3) a proposal, in 1809, to permit a state to remove a senator by vote of a majority of the whole number of its legislature, thus reducing the six-year term to a term at the will of the legislature; (4) a proposal, in 1810, to permit the President to remove federal judges from office at the request of a majority of the House of Representatives and two-thirds of the Senate, as a substitute for removal by impeachment; (5) a proposal, in 1815, to reduce the term of senators from six to four years; (6) a proposal, in 1816, repeated in 1817, that states be districted for electing Representatives in Congress and presidential electors; the Pennsylvania, Ohio and Indiana proposition (7), in 1820, that "Congress shall make no law to erect or incorporate any bank or monied institution except within the District of Columbia, and every bank or other monied institution which shall be established by the authority of Congress shall together with its branches and offices of discount and deposit, be confined to the District of Columbia"; (8) Georgia's proposal, in 1824, "that no part of the Constitution of the United States ought to be construed or shall be construed to authorize the importation or ingress of any person of color into any one of the United States contrary to the laws of said state." In the same year, 1824, the General Assembly rejected as inexpedient Ohio's resolutions that the slavery problem was national rather than local or sectional, and that the United States ought to undertake measures for gradual elimination of slavery and for foreign colonization of slaves.

The General Assembly enacted the legislation that was necessary, or perhaps unnecessary from the point of view that the federal government in the exercise of its constitutional functions requires no consent from the states, to facilitate the readjustments incident to the new order. Rhode Island adopted the new federal currency in dollars, dimes and cents in 1798 as legal money of account to replace pounds, shillings and pence. The change taxed the ingenuity of printers not familiar with the decimal system of recording money accounts; some of them continued printing items stated in the new money in much the same way that they had printed old money accounts, except that having no standard dollar mark to replace

†2 Dallas 419.

the symbol for pounds they used abbreviations, thus 3d. 25c. for \$3.25 in modern practice. The lighthouse at Beaver Tail was transferred to the federal government by a resolution declaring the grant null and void by condition subsequent if the United States neglected to keep it lighted and in repair. For a while Rhode Island maintained a garrison at Fort Washington, Newport, in spite of the obligation to provide for the common defence imposed upon Congress. The Governor was directed, in 1793, to proclaim Rhode Island's neutrality in the European war, agreeable to the President's proclamation of the neutrality of the United States. Without hesitation, the General Assembly, in 1794, intervened to force the release of impressed seamen,\* a matter of international diplomacy that rested with the federal government. The activities of the State of Rhode Island in these instances were all for good measure; in none was the authority of the federal government questioned or resisted. The General Assembly adopted a resolution sustaining President Washington and the Senate in negotiating and ratifying the Jay treaty with England. Washington was popular in Rhode Island because of the people's appreciation of his services in the Revolution, in which Rhode Island had had an honorable part. His farewell address was published with the revision of the laws of Rhode Island in 1798, as an important state paper, worthy of preservation with the Charter of Rhode Island, the Declaration of Independence and the Constitution of the United States. When Washington died the General Assembly, in 1799, ordered two portraits of Washington, to be painted by Gilbert Stuart, one for each of the State Houses in Newport and Providence. For these \$1200 was appropriated; their value in the twentieth century may not be expressed in money. For the Washington Monument in the capital city Rhode Island sent in 1850 a block of native granite four feet long, two feet wide and twenty inches thick, on which are carved the name and arms of Rhode Island.

**ALIEN AND SEDITION LAWS**—Rhode Island supported John Adams as President in the controversy that produced the alien and sedition laws. The General Assembly, in 1798, proposed an amendment to the Constitution of the United States that would effect exclusion from eligibility for federal office of all but native-born citizens of the United States. This measure, as were the alien and sedition laws, was suggested by alleged pernicious activity at the time by persons accused or suspected of being agents of European nations intent upon embroiling the United States in Europe's quarrels. Opposition to the alien and sedition laws, as violating natural human liberty and the rights of free speech and a free press, resulted in the Virginia and Kentucky resolutions, written, respectively, by Madison and Jefferson. In firm and frank resolutions adopted in 1799, the Rhode Island General Assembly refused to ratify the Virginia and Kentucky resolutions, which maintained a right reserved by the states as parties to a compact to examine federal legislation with a view to determining its validity, as conforming to or violating the provisions of the compact. The Rhode Island resolutions were keenly logical as well, in their enunciation of principles and declaration (1) that the constitutional provision that "the judicial power shall extend to all cases arising under the laws of the United States" vests in the federal courts exclusively, and with the Supreme Court of the United States ultimately, the authority of deciding on the constitutionality of any act or law of the Congress of the United States; (2) that for any state legislature to assume that authority would (a) blend together legislative and judicial powers in a manner in conflict with the American principle of separation, (b) hazard an interruption of the peace of the states by civil discord in the instance of diversity of opinion among the state legislatures, each state having under such circumstances no resort for vindicating its own opinion but to the strength of its own arms, (c) submit most important questions to less competent tribunals, and (d) impair a provision of the Constitution of the United States expressed in plain language; (3) that, "although for the above reasons this legislature in their public capacity do not feel themselves authorized to

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consider and decide on the constitutionality of the sedition and alien laws (so called), yet they are called upon by the exigencies of the occasion to declare that in their private opinion these laws are within the powers delegated to Congress, and promotive of the welfare of the United States." The Rhode Island resolutions, practically and substantially identical with reference to each of the sets of resolutions from Kentucky and Virginia, concluded with directions to the Governor to send the Rhode Island resolutions to the supreme executive of each of Kentucky and Virginia, and "at the same time express to him that this legislature cannot contemplate, without extreme concern and regret, the many evil and fatal consequences which may flow from the very unwarrantable resolutions" of the states of Kentucky and Virginia. Within ten years the Rhode Island Assembly, from being almost defiant in its unwillingness to call a convention to consider ratification or rejection of the Constitution of the United States, because of alleged and justifiable concern for the danger to Rhode Island independence and liberties involved in creating a superior central state, had become a most earnest supporter of the federal government in what was perhaps the latter's most flagrant invasion of human liberties. Another fifteen years would produce another attitude, a reversion to the position of 1790, and a studied opposition to the federal administration that approached secession, had the Hartford Convention resulted as some wished who planned it. Such are the vagaries that attend partisan politics.

**THE REACTION IN RHODE ISLAND**—The General Assembly voiced the opinions, for the time being, of only a majority of the freemen; unanimity may not be assumed. Although a majority of the General Assembly expressed in resolutions approval of the Jay treaty with England, the American diplomat was hanged in effigy in Newport, following a public meeting called to express indignation at what was considered an abject surrender of American rights and principles. Newport sent Republican, instead of Federalist, Representatives to the General Assembly in 1801. Thomas Tillinghast was elected to Congress November 4, 1797, in a by-election to fill a vacancy caused by resignation. He defeated James Burrill, Federalist candidate, by a majority of fifty-three. The "Providence Gazette" attributed the defeat of Burrill to farmer opposition because Burrill was a lawyer. Running as a Republican in 1798 for election to the Sixth Congress, Tillinghast was defeated overwhelmingly, a result that may be explained as due in part to the fact that he ran alone in a field of three for two places, against John Brown and Christopher G. Champlin, Federalists. No doubt many of Tillinghast's friends when they voted cast a ballot for him and for one of his opponents, thus making each ballot one vote for and one vote against him. Tillinghast was elected as a Republican in 1800; his colleague, Joseph Stanton, Jr., failed to attain a majority in the first election, but was chosen in the by-election. Tillinghast was defeated in 1802, running as a Federalist. The political career of Tillinghast illustrates the difficulty of identifying parties and party affiliations following the disintegration of the national Federalist party as an effective political organization after 1800. The Federalists were able to maintain an organization in New England centering on the Essex Junto; elsewhere the party had yielded to Republicanism, partly because of internal jealousy and the conflict between Hamilton and Adams that produced almost disaster in 1797, and the successful political revolution led by Jefferson, who sought to rescue the principles of the Declaration of Independence from sublimation by the Federalists. In Rhode Island the tide ran strongly for a while against the Federalists; the latter had incurred unpopularity because of their general policies in opposition to democracy. They had become conservative in their attitude toward trust in the people, and autocratic in their assumption of power for governmental agencies. Indeed, some prominent Federalists had not hesitated to denounce democracy openly in language that was reminiscent of Massachusetts Puritanism with its leaning toward Israel and Old Testament precedents, in which there was never a mention of democracy. The alien and sedition acts were suicidal, interpreted as they were as an assault upon human liberties. The Rhode Island General Assembly might hurl back anathema

upon the suggestions of nullification, and possibly, secession, in the Kentucky and Virginia resolutions, at the same time that popular opinion was crystallizing and reaching the only conclusion possible in Rhode Island—*ubi quae sentias dicere licet*—that democracy demanded free speech and a free press.

Elsewhere than in New England Jefferson, with all the astuteness of a master politician, was capitalizing Federalist blunders and building up the organization that would elect him President in 1801, and establish the Virginia hierarchy in power for a quarter of a century. In Rhode Island it was less Jefferson's popularity than a keen appreciation of principle that led to the retirement of ardent Federalists from position and power, thus to chasten them. Rhode Island was repeating the precedents of colonial days in removing from office those who presumed too much authority and forgot that civic tenure was short in Rhode Island. Withal, Jefferson, though never popular in Rhode Island, was less hated here than in Connecticut and Massachusetts. His success in achieving the disestablishment of the Episcopal Church in Virginia was not an offence in Rhode Island, where there was never an established church, as it was in Connecticut and Massachusetts, where the Congregational Church controlled the theocracies that continued into the nineteenth century. He was not denounced from Rhode Island pulpits as he was across the borders by ministers who feared that the example of Virginia might become epidemic. Nor could Jefferson be called to account in Rhode Island for atheism or infidelity, of which he was accused elsewhere. Jacobin he might be, but that was not an offence in democratic Rhode Island. Jefferson's sympathy for France was probably not greater than Rhode Island's in view of friendship that had been cemented by close alliances in arms during the Revolution.

Rhode Island, as a commercial state, had not, however, failed to realize the strength of the Federalist party in carrying into effect a constructive policy for economic improvement; Rhode Island was much less concerned with measures for destroying the Federalist party than it was with maintaining the prosperity that had already accrued from stabilization of internal affairs, and a reasonably firm internal policy. The state vote was cast for Adams and Pinckney\* rather than against Jefferson and Burr, in 1801. When, following precedent, the President was toasted on July 4, 1801, the Providence toastmaster qualified the "health" by the expressed hope that Jefferson might be guided by the Constitution. In much the same spirit President Madison was not omitted from the toasts on Washington's Birthday, 1810. He was toasted thus: "The President, may the condemning shade of Washington admonish and reclaim him." Meanwhile a little of the old sectionalism had reappeared in Rhode Island; Providence was Federalist, while Newport leaned to Republicanism. Rhode Island's presidential vote was cast for Jefferson and Clinton as Republicans in 1805; thereafter the tide turned, and in spite of the General Assembly's resolution in 1807 to request Jefferson to become a candidate for a third time, Rhode Island voted against Madison and Clinton in 1808, and Madison and Gerry in 1812, supporting in each instance the candidates of the "True American" party. By 1808 Rhode Island was represented in Congress by Senators and Representatives elected as Federalists or Federal Republicans. The presidential vote was cast for Monroe and Tompkins in 1817 and 1821 in the era of "good feelings," when all politicians were "Republicans," and for John Quincy Adams and John C. Calhoun in the election of 1824-1825, which, because there was no dominating party or political issue, became a personal popularity contest with Adams, Henry Clay, William H. Crawford and Andrew Jackson as rival candidates. In the thirty-five years from ratification, 1790, to the presidential campaign of 1824-1825, marking as it did the beginning of a new political era, Rhode Island had been almost consistently opposed to the Republican party of the period whenever and as long as there was concerted opposition. The state had participated by electing Republican Congressmen in the rebuke to unrestrained Federalism implied in the election of Jefferson in 1801; it

\*Popular vote, 1941-1642.

had gone back to Federalism thereafter, and during Madison's administration had maintained an opposition to the War of 1812.<sup>†</sup>

**STATE AND NATIONAL PARTIES BECOME IDENTICAL**—State parties meanwhile had become identical practically with national parties; yet there was not in Rhode Island a failure to recognize that such identification is neither necessary nor inevitable. Arthur Fenner, who had been elected Governor in 1790, was continued in office nominally as a Federalist until his death in 1805. Accused of having voted in 1800 for Jefferson as President, Governor Fenner was opposed for election in 1802 by William Greene, Revolutionary War Governor. Governor Fenner was reelected in 1805, although at the time he was so close to death that there was little probability that he would return to active service. During a part of the preceding year the Lieutenant Governor had replaced the Governor under statutory authority. Both Governor and Lieutenant Governor died in 1805, and Henry Smith, first Senator, served as Governor from October, 1805, to May, 1806. Smith, Republican, as a candidate for election as Governor in 1806, was opposed by Peleg Arnold, Republican, and Richard Jackson, Jr., Federalist. The last named polled a plurality of the ballots, but not the majority required in Rhode Island elections. Under the Charter and following precedents for filling vacancies in the Senate while the Senators were called Assistants, power to elect a Governor, if the proxies failed, rested with the General Assembly. The House of Representatives, nevertheless, rejected a motion to declare Jackson elected, although it and he were Federalists, and the House had elected Elisha R. Potter, Federalist, as Speaker. Isaac Wilbour, elected as Lieutenant Governor, served as Governor without the title. The people failed to elect a Governor again in 1832, 1839, 1846, 1875, 1876, 1880, 1890, 1891; in these years, beginning in 1846, under the Constitution, the General Assembly elected a Governor. In 1893 the Senate and House failed to meet in grand committee to count the vote for Governor and other general officers, and those elected in 1892 held over. From 1894 the Governor and other general officers have been elected by plurality vote.

James Fenner, son of Governor Arthur Fenner, resigned from the United States Senate, to which he had been elected in 1804, and was elected as Governor in 1807 as the candidate of the Republicans against Seth Wheaton, Federalist. Governor Fenner was reelected without opposition in 1808, 1809 and 1810, and claimed as a party member by both Republicans and Federal Republicans. When in 1810 he denied that he was ever anything but a Republican, the Federalists began preparations for a contest in 1811, when William Jones, Federalist, was elected for the first of six successive terms. The Federalist opposition to Governor Fenner was confirmed and embittered when, in 1810, in grand committee, he voted for the Republican candidate for Senator without withholding his ballot as presiding officer to break a possible tie. As it was, Jeremiah B. Howell defeated James Burrill, Jr., forty-two to forty-one, the Governor's vote being decisive. Howell, who was a State Senator, was criticised for voting for himself; had he not done so, and had Governor Fenner refrained from voting, Burrill would have been elected, forty-one to forty. Had Howell not voted, the Governor's ballot, cast as a member of the grand committee, would have made the vote a tie, forty-one to forty-one. The journal of the grand committee recorded the vote forty-two to forty-one, with the note: "His excellency the Governor having voted in the first instance as one of the committee and not having the casting vote as presiding officer." The episode illustrated the nearly even strength of the Republicans and Federal Republicans in Rhode Island at the time; they alternated in controlling the General Assembly.

The Federalists were reestablishing their power in New England. As noted, they elected their candidate for Governor in 1811, and attained control of the General Assembly. The majority of Governor Jones was only 172 in 7598, the largest vote polled in Rhode Island up to that time. The Republicans accused the Federalists of illegal practices in creating freemen

<sup>†</sup>Chapter XVII.

in Providence; even before the election, James DeWolf of Bristol, presented a petition requesting better enforcement of the election law and calling attention to the propounding of 122 new freemen in Providence. Governor Jones was successful again in 1812 with 234 majority in a total of 8010 votes. He was elected without opposition in 1813, and without concerted opposition in 1814. Perhaps the explanation of the strength of Governor Jones is to be found not so much in Federalism as in dissatisfaction with President Madison's policy and in objection to the War of 1812. The personal popularity of Governor Jones as a Revolutionary hero with a brilliant war record counted much in his favor also, but his political fortunes waned with the repudiation of the Federalist party which followed the Hartford Convention.\* Within a generation the Federalist party in New England had so completely reversed its attitude that in one of the resolutions adopted at Hartford it paraphrased the Kentucky and Virginia resolutions. Perhaps the explanation of the situation lies in the general rule that there are always only two major parties, whatever names they may bear, the "ins" and the "outs." The Kentucky and Virginia resolutions expressed the fear of the Republicans (outs) that the Federalists (ins) would exceed the powers granted to the federal government, and invoked a reserved right alleged to reside in the states to examine the constitutionality of federal legislation. The Federalists at Hartford (outs) asserted essentially the same suspicion of the Republicans (ins) of Madison's party. Governor Jones was reelected in 1815 with 784 majority over Peleg Arnold, and once more in 1816 with 332 majority over Nehemiah Knight. Knight defeated Jones in 1817† by sixty-eight majority and the redoubtable Elisha R. Potter, formidable leader of country against town, and particularly against Providence, in 1818 by 616 majority.

James Burrill, Jr., defeated in 1810 as candidate for United States Senator by Governor's vote in grand committee, was once more a candidate in 1816. The Federalists controlled the General Assembly following the spring election and decided to choose a Senator in June, lest they lose control in the August elections. Burrill was elected as Senator June 21, 1816, for the term beginning March 4, 1817, unanimously, the Republicans not voting as a protest against alleged irregularity. The Federalists retained control of the Assembly after the August elections, and Burrill, resigning as Senator to quiet criticism, was elected as Senator on February 19, 1817. The second election was recorded as unanimous, the Republicans refraining from voting as before. James Burrill died December 25, 1820. He had been Attorney General, 1797-1813; Speaker of the House of Representatives, 1814; Chief Justice of the Supreme Judicial Court, 1816-1817; and United States Senator, 1817-1820. While in Congress he achieved national reputation as a brilliant debater because of his participation in the discussion of the slavery issue related to abolition of the slave trade and the Missouri Compromise. He was succeeded as Senator by Nehemiah Knight, who resigned as Governor to accept election to the Senate, January 9, 1821. With James De Wolf, elected November 4, 1820, as Senator; and Samuel Eddy and Job Durfee, in the House of Representatives, the Rhode Island delegation in Congress was all Republican. Senator Knight was reelected January 17, 1823, by one majority in grand committee over Elisha R. Potter, after the House had refused in November, 1822, to meet the Senate in grand committee to elect a Senator. As Governor Nehemiah Knight had been reelected without opposition after his victory over Elisha R. Potter in 1818. William C. Gibbs, nominated by the Republicans as successor to Governor Knight in 1821, was opposed by Samuel W. Bridgham, leading a remnant of the Federalist party, but won with a clear majority of 1000 votes in a total of 6602. Governor Gibbs was reelected without opposition in 1822 and 1823. He declined renomination in 1824,

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†For ordering the band at Newport to play the "Retreat" as Governor Jones stepped from the boat on election day, 1817, which was interpreted by the Governor as an insult, Captain R. B. Cranston was found guilty by a committee of the General Assembly of conduct "highly improper and derogatory to the dignity and honor of the state." He escaped court martial because he was not in uniform and actually on duty.

and ex-Governor James Fenner was elected with little opposition in 1824, and without opposition from 1825 to 1830.

**NOMINATING CONVENTION DEVELOPED**—In the period in which both Federalist and Republican parties had been aggressive rivals for offices, party machinery had been perfected, and the nominating convention had been introduced in Rhode Island as a device for selecting candidates. The Federalist convention, as a rule, resembled the congressional caucus in national politics, the core consisting of members of the General Assembly, to whom were added members of the party invited to attend, usually by public notice printed in the newspapers. The "Providence Journal" of January 3, 1828, carried the following: "The Representatives and such others of the people of the state friendly to the present administration of the federal government as may attend the January session of the General Assembly are invited to convene at the State House in Providence on Tuesday, January 15, 1828, at six o'clock p. m. to nominate candidates for Governor, Lieutenant Governor, and other state officers for the coming year." The Republican convention early developed into a delegate organization; besides, the Republicans, so early as 1809, had introduced local political clubs, called by reason of their general similarity to the New York city organization, Tammany Societies or Tribes. National Republicans met at South Kingstown in 1831 to elect delegates to a national convention at Baltimore, which nominated Henry Clay for President.

The era of "good feelings" in national politics ended definitely with the administration of James Monroe, last of the Virginia dynasty. The congressional caucus, which had served Republicans in their era of ascendancy as well as it had the Federalists when the latter controlled Congress, nominated William H. Crawford as the party candidate for President. Three other candidates, styling themselves Republican, entered the field—John Quincy Adams, Henry Clay and Andrew Jackson. John C. Calhoun was not opposed as candidate for the Vice Presidency. Friends of Adams met in convention in Providence on October 26, 1824, and nominated candidates for presidential electors favorable to him, thus anticipating the "regular" Republican convention called for October 27. The "regular" Republican convention indorsed the electors named in the Adams convention. Rhode Island Republicans thus repudiated the congressional caucus; in the election the people chose presidential electors who cast the state vote for Adams. The national popular election was indecisive, and John Quincy Adams was elected as President by the House of Representatives. Rhode Island continued to support Adams. The General Assembly, in October, 1828, adopted resolutions urging his reelection, thus: "That after carefully and candidly reviewing the administration of our national concerns under the presidency of John Quincy Adams, the General Assembly is fully satisfied that he has been governed by wisdom, and actuated by motives of the purest patriotism in the discharge of his official duties; that the General Assembly has discovered no occasion to distrust the integrity, ability or faithfulness of any member of the national cabinet, and that it, therefore, sincerely regrets that the character of Henry Clay,<sup>‡</sup> a prominent and highly distinguished member of that Cabinet, should have been assaulted by any in this country, to whose glory and best interest that persecuted statesman had so liberally contributed by his long and faithful public services; that, considering the peculiar and alarming circumstances which have for nearly four years characterized the canvass of the approaching presidential election, the General Assembly deems it to be a matter of deep and vital interest to the nation that a fair and honorable effort should be made, by every individual free-man of this republic, to secure the reelection of Mr. Adams to that high and responsible office, for which, in the opinion of this General Assembly, he is so eminently qualified by character, both public and private, and by talents, both natural and acquired." The state presidential

<sup>‡</sup>Accused by Jackson of a corrupt bargain with Adams, to elect the latter in return for a Cabinet appointment.

vote was cast for Adams as President and for Richard Rush as Vice President. Adams in 1828 carried all six New England states, New Jersey and Delaware, and received sixteen of thirty-six votes in New York; but Andrew Jackson was elected as President. Rhode Island, in 1832, gave Henry Clay and John Sergeant its votes for President and Vice President, against President Jackson and Martin Van Buren. The popular vote was close. Four years later the Democrats carried the state election, and the electoral votes were cast for Martin Van Buren and Richard M. Johnson. Out of the quarrel which had divided the Republican party in 1824 had come two parties, one following Jackson and known as Democratic Republican and later as Democratic; the other following Adams and Clay, and known as National Republican, and later as Whig.

**WHIGS vs. DEMOCRATS**—A reorganization of state parties followed closely upon the national realignment. The Rhode Island delegation in Congress had been unanimously Republican in 1824. When Senator De Wolf resigned in 1825, Asher Robbins was elected as Senator for the unexpired term, ending March 4, 1827, defeating Elisha R. Potter. In anticipation of Potter's candidacy for election as Senator for the new term beginning March 4, 1827, the "Manufacturers and Farmers Journal" denounced him as an enemy of Providence.\* A bitter campaign of accusation and recrimination followed. Eventually Senator Robbins was reelected unanimously, when Potter declined to be a candidate. Senator Knight was reelected unanimously in 1828. The contest between Potter and Senator Robbins was renewed in anticipation of election for the term beginning March 4, 1833. There had been in 1832 no election of Governor, Lieutenant Governor and Senators, those elected in 1831 holding over. In a meeting of the grand committee on January 19, 1833, Asher Robbins was declared reelected as Senator, the vote standing Robbins 41, Potter 25, Dutee J. Pearce 12. The legality of the procedure was questioned on the basis of a claim that members of the General Assembly (those holding over) elected in 1831 were not competent to vote on the choice of a Senator to be seated in 1833. The General Assembly, a new legislature, elected in 1833, at the October session, 1833, declared the senatorial election of January, 1833, null and void, and the seat of Senator Robbins vacant. In grand committee on November 1, 1833, Elisha R. Potter was declared elected as Senator, unanimously, because the opposition refused to vote. The majority in grand committee refused to receive a protest, the minutes reading: "Protest offered by Mr. Cranston . . . before proceeding to election, read and laid on table, called up, debated, and ordered not to be received; 29 for, 48 against." Potter carried a contest for the seat to Washington, but the Senate eventually confirmed the election of Senator Robbins. It could scarcely do otherwise, there being no doubt that the grand committee of January, 1833, was comprised of the members of the General Assembly then existing.

Elisha R. Potter, again candidate for the Senate, was defeated by Senator Knight on May 13, 1835, for the term beginning March 4, 1835. The grand committee, meeting on January 21 and 22, 1835, to elect a Senator to succeed Senator Knight, ballotted 20 times unsuccessfully. With 82 members of the General Assembly present and voting, and 42 necessary for a choice under the majority rule, the first ballot resulted: Albert C. Greene 39, Elisha R. Potter 30, William Sprague, Jr., 11, Tristam Burges 1, Nehemiah R. Knight 1. The fortieth ballot indicated little change: Greene 40, Potter 29, Sprague 12, Knight 1. Elisha R. Potter died in September, 1835; except for seven years in Congress, he had been a member of the General Assembly from South Kingstown continuously from 1793. His ambition to become United States Senator was not realized, nor was that of Tristam Burges. Of the other candidates in 1835, William Sprague became Senator in 1842, and Albert C. Greene in 1845.

\*As a member of the General Assembly Potter opposed measures tending to increase the prestige and influence of the large town.

Elections to the National House of Representatives were also closely contested in the period in which new party lines were being established. That same Samuel W. Bridgham, who in 1821 opposed William C. Gibbs as candidate for Governor, ran in 1820 with Job Durfee as candidates of the "People's" party against Samuel Eddy and Nathaniel Hazard, Republicans, for Congress. Eddy and Durfee, who subsequently to his nomination declared himself a Republican, were elected in 1820 and reelected in 1822 as members of the Seventeenth and Eighteenth Congresses. For the Nineteenth Congress the election was conducted in August, 1825, and five candidates, all Republicans, offered themselves. Of these Samuel Eddy and Dutee J. Pearce were nominated in convention, the latter defeating Job Durfee. Job Durfee, dissatisfied with the convention, decided to contest the election. Tristam Burges and William Hunter were nominated by a conference of Republicans who had been Federalists. The toast to Lafayette, on the latter's visit to Rhode Island, August 23, 1824, in which Burges had called Lafayette the companion of Washington and the friend of Hamilton and Greene, was interpreted as indicating his leaning to Federalism. In his subsequent political career he was National Republican and later Whig. Burges was the only candidate for Congress in August, 1825, having a clear majority, and he was declared elected. In the by-election of November 25 Dutee J. Pearce defeated Job Durfee. Burges and Pearce were reelected as National Republicans without opposition in 1827 and in 1831; in 1829 from a field of six candidates, all National Republicans, including their old rivals, Samuel Eddy and Job Durfee, and also Elisha R. Potter and John DeWolf, Jr. For the Twenty-third Congress seven candidates presented themselves in 1833, as follows: Tristam Burges, Albert C. Greene, Henry Y. Cranston and Nathan F. Dixon, as National Republicans; Wilkins Updike and Nathan B. Sprague as Democratic Republicans; and Dutee J. Pearce as the "People's" candidate. Burges was elected in August by a clear majority, and in the by-election in November Pearce defeated Dixon. Burges and Cranston, Whigs, were defeated by William Sprague, Jr., and Pearce as Democrats in 1835. Burges was disappointed also when Nehemiah Knight was elected as United States Senator as a Whig in 1835. Burges' service in Congress had been notable. Known as the "bald eagle" of the House of Representatives, in debate he alone could silence John Randolph of Roanoke.

A BITTER CONTEST—The congressional election of 1835 was one of the most bitter in the history of Rhode Island politics. The year opened with the failure of the General Assembly after twenty ballots in grand committee to elect a United States Senator. John Brown Francis had been elected as Governor in the preceding year by only 110 majority. The General Assembly met in Newport in May, 1835, to count the ballots cast in the annual state election, faced with charges of fraudulent voting from several towns. Eventually the proxies were counted as returned, and Governor Francis was declared reelected by 102 majority. With such a background the canvass for the Congressional election was started, with Burges and Cranston, Whigs, and Sprague and Pearce, Democrats, as candidates. The "Providence Journal," already advocating the candidacy of Daniel Webster for the presidency in 1836, supported the Whigs vigorously. Predicting the possibility of an indecisive popular election and the election of the next President by the House of Representatives, it pleaded for two Whigs to cast Rhode Island's vote for Daniel Webster. Again, the "Journal" urged the superior talents of Tristam Burges in contrast to William Sprague, whom it described as a man become fabulously rich. The Democratic papers responded with equal frankness to such discussion of candidates. As the election grew nearer the "Journal" printed several numerical demonstrations of the possibility that a minority candidate might attain a majority in the election by the accumulation of votes as second choice, this as a warning against voting the "split" proxies that had appeared, linking Sprague's name with that of Burges or Cranston.

Accusations were made by both parties through the public press that the other was "manufacturing" freemen, by conveying to men otherwise qualified freeholds in land sufficient to meet the legal requirement. One candidate was accused of buying two dozen blank deeds in anticipation of a visit to East Greenwich. Another was asked if he had not "qualified" eight freemen on a Sunday visit to Scituate. The Whigs were particularly bitter against Sprague as a new man in politics, one of the earliest millionaire captains of industry. In the election in August 1767 ballots were cast, of which Sprague and Pearce each received a clear majority. The General Assembly met on October 29, 1835, to canvass and count the ballots. Accusations of fraudulent voting and other irregularities in the election meetings at Burrillville, Charlestown, Cranston, East Greenwich, Foster, Gloucester, North Kingstown, Scituate, Tiverton and Warren were made, and both parties had filed protests. Governor Francis cast the deciding vote against an investigation of the election, and the ballots were counted as cast. Thereafter the Whigs referred to the Governor's vote against an investigation as his "veto."

William Sprague defeated John Brown Francis for Governor in 1838. Tristam Burges, running as a third candidate, prevented Sprague's election as Governor in 1839, although Sprague polled a plurality. The "Journal" in an after-election editorial attributed the Whig defeat in 1835 to the expenditure by the "Jackson party" of \$40,000 for bribery and corruption; to the use of government patronage; to the wealth of one of the candidates; and to the exclusion of certificate voters. The last referred to the law which, although it permitted qualification for voting for general officers, and for presidential electors by certificate of land title in other than the town of residence, had not extended the same privilege with reference to election of members of the State House of Representatives or members of Congress. The Whigs won the congressional elections of 1837, 1839 and 1841, the last without opposition. Thomas W. Dorr, who as a Whig in 1835 had drawn up resolutions of indorsement for Burges and Cranston, polled 72 votes as candidate of the "Constitution" party in 1837, and as a Democrat 3660 votes in 1839. Rhode Island was divided into two Congressional districts for the election of 1843.

**ANTI-MASONIC MOVEMENT**—Governor James Fenner, 1807-1811, 1824-1831, Republican, because of his friendliness with the "administration," although re-nominated by the National Republicans in 1830, actually was opposed by the anti-Jackson Republicans, who named and supported Asa Messer, who had been President of Brown University, 1804-1826. Governor Fenner won in 1830, but was defeated in 1831 by Lemuel H. Arnold. Governor Fenner was a candidate again in 1832, against Governor Arnold, and William Sprague, the last named as the candidate of the anti-Masonic party. William Morgan, of New York, published a book in 1826 which purported to disclose the secrets of Freemasonry. He was arrested at Batavia, N. Y., on September 11 on a criminal charge, tried and acquitted at Canandaigua. Rearrested and committed to jail on a civil charge, he was taken from jail at night, and carried by organized posses to Fort Niagara, where he was lodged in the powder magazine. There all trace of Morgan was lost; his fate has never been determined positively. Because of the book, and the wish of the Masonic fraternity to suppress it, the story of Morgan's disappearance created vigorous opposition to Freemasonry, which became political. William Wirt, of Virginia, was nominated for the presidency by an anti-Masonic convention at Philadelphia in 1832. The Rhode Island General Assembly, in October, 1831, adopted a resolution as follows:

Whereas, the crimes and enormities within a few years committed in a neighboring state by certain Freemasons, avowedly in the cause of Masonry, have excited universal indignation and abhorrence, and have awakened jealousies and suspicions very unfavorable to all Masonic institutions, and under the weight of which the whole Masonic fraternity—the good and the virtuous as well as the vicious—must unavoidably

suffer, therefore, in the hope of allaying the great and increasing excitement thus occasioned, and that the innocent may be distinguished from the guilty, if in this state there are any who can justly be charged with advocating the criminal doctrines imputed to Freemasonry; resolved, that Messrs. Hazard, W. Sprague, Jr., Simmons, Haile and E. R. Potter, with such others as the Honorable Senate may think proper to add, be and they are hereby appointed a committee fully to investigate and inquire into the causes, grounds and extent of the charges and accusations brought against Freemasonry and Masons in this state; and that said committee so far as may be necessary to enable them to perform this duty, be empowered to administer oaths, to examine witnesses, and to call for books and papers.

The Senate concurred in the House resolution and designated Senator Cornell as a member of the committee. The resolutions indicated open-mindedness in the expressed purpose of finding the truth as the basis for action if need be in quieting needless agitation.

The committee report, presented in June, 1832, bears the earmarks of thoroughness. The majority of the committee exonerated Rhode Island Masons of the charges made against them, but recommended discontinuance of lodge work. William Sprague presented a minority report, in which he recommended revocation of the civil charters granted by the state, under which the Masonic bodies exercised corporate powers. Petitions for revocation of Masonic charters were presented in the General Assembly in 1833, and in 1834 the Assembly revoked six charters. The Grand Lodge voted, March 17, 1834, to surrender its charter, but to continue as a fraternal organization. Several other Masonic bodies did likewise. A law enacted in 1835 required secret fraternal organizations to file lists of their members, and copies of oaths and rituals. The Grand Lodge charter was restored by the General Assembly, April 4, 1861.

Running as an anti-Mason in 1832 William Sprague polled only 592 in a total of 2711 ballots, but that vote for a third candidate in a close election otherwise was sufficient, under the majority rule, to prevent the reëlection of Governor Arnold, who polled 2711 to 2238 for ex-Governor Fenner. William Sprague's largest vote in the five elections in 1832 was 976. The annual election of 1832 resulted in no choice for Lieutenant Governor or for any of the ten Senators.

**THE FIASCO OF 1832**—The General Assembly by statute enacted in January, 1832, had abrogated its own function under the Charter of electing to fill vacancies, by making provision for new popular elections to be ordered by the House of Representatives, general officers holding over until their successors had been chosen. Four by-elections were conducted in 1832, on May 16, July 18, August 28, and November 21, all without the choice of Governor, Lieutenant Governor and Senators by majority; and at the January session, 1833, the Assembly voted to continue the officers elected in 1831 to the next annual election in April-May without another by-election. At the same session the rule of majority election for Congressmen was relaxed to permit election by plurality in the first by-election should that become necessary. The state election law of 1832 was repealed at the May session, 1833.

Governor John Brown Francis, who had defeated ex-Governor Arnold in 1833, called a special session of the General Assembly in May, 1834, to consider what measures should be taken in the event that the popular election had been indecisive. The count of ballots showed that he had been reëlected by 150 majority. A new election law, passed in May, 1834, provided for a second election if the Governor and Lieutenant Governor and six Senators, or if the Governor or Lieutenant Governor and seven Senators had not been chosen by majority vote. Under the contingencies of failure to choose a quorum of the Senate as indicated, all civil and military officers held over pending the second election, in which choice might be made by plurality. Governor Francis was reëlected, defeating Nehemiah Knight in 1834 and 1835, Tristam Burges in 1836, and William Peckham in 1837. He was defeated by William



WATCH HILL LIGHT



ALONG THE BAY FRONT, WATCH HILL



Sprague in 1838. Governor Sprague and Joseph Childs, as candidates for Governor and Lieutenant Governor, failed to attain majorities in 1839, when Tristam Burges, Whig, ran as a third candidate. Seven Senators were elected, and the law did not provide for a new election in this contingency. Samuel Ward King, elected as first Senator, served as Acting Governor. Governor King was re-elected in 1840, 1841 and 1842, the last Governor to serve under the Charter. Governor Francis was a Democrat; Burges and King were Whigs. Peckham ran as the nominee of the new "Constitution" party.

William Sprague had been the unsuccessful candidate of the anti-Masonic party for Governor in 1832, and had declined nomination by that party for Congress. He ran as a Democrat in the congressional election of 1835, was successful and declined renomination in 1837. He announced his withdrawal from the Democratic party in 1837, because he believed the economic policy of the national organization would not promote the welfare of Rhode Island interests. He was elected as United States Senator in 1842 as a Whig to fill the vacancy caused by the death of Senator Nathan F. Dixon. Resigning after the murder of his brother, Amasa Sprague, he was replaced by John Brown Francis, another Democrat who had become a Whig in the new alignment of parties. The ease with which men shifted party affiliations in the period of "bad feelings" in politics, 1824-1842, suggests that men rather than measures were dominating political issues. The organizations of Democratic and Whig parties that rose from the ruins of the old Republican party, and, in Rhode Island, the substitution of a Constitution for the Charter,\* effected a significant change. From this relation of political history to 1842 we have excluded the constitutional movement, which reached a crisis in the Dorr War,\* because that controversy arose and was continued principally outside the contests for national and state officers. It remains to examine the political issues in national politics affecting Rhode Island that were the pretexts, if not the real reasons, for the changing affiliations of leading Rhode Islanders.

**THE PROTECTIVE TARIFF**—The Providence Association of Mechanics and Manufacturers, on March 30, 1789, resolved unanimously "that it be, and hereby is, earnestly recommended to all the members of this association to discourage as far as possible all foreign manufactures by using in their families and business those of our own country." The Providence association undertook to establish "public opinion touching the industrial interests of the country" and to promote, by correspondence, the forming of "similar organizations for concerted action in regard to the protection and encouragement of home production." An organization similar to the Providence association was established at Newport; each was incorporated by the General Assembly. The Providence association, following Rhode Island's ratification of the Constitution, addressed a letter of congratulation to President Washington, in which was expressed confidence that Congress would do "all in their power to promote the manufactures, as well as the agriculture and commerce of our country." The association collected for Alexander Hamilton the information concerning Rhode Island industries that was part of his report on manufactures as Secretary of the Treasury in 1791 to Congress. Hamilton recommended the promotion of American manufacturing with the purpose of (1) separating a portion of the population from dependence primarily upon agriculture; and (2) through sales of farm produce to people engaged in manufacturing creating a market for the farmers' surplus.

The tariff act of 1789, largely the work of James Madison, incorporated the principle of protection, but as a matter of fact was essentially a revenue measure, and with other national legislation of the period, was more favorable to commerce than to manufacturing. Rhode Island merchants recognized the value to them of national measures intended to foster an American merchant marine, and became vigorous supporters of the Constitution. Rhode

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Island interests were predominantly commercial, because of the foreign trade established through the initiative of Rhode Island merchants. Under these circumstances, Rhode Island's first inclination in national politics was toward the Federalist party--the party of Hamilton, Washington, Adams and Charles C. Pinckney of South Carolina, the last of whom, particularly, was vigorous in urging relief for New England after the Revolution. Rhode Island merchants opposed the embargo of 1807-1809, but Rhode Island manufacturers profited from it, in so far as they, with other American manufacturers, had exclusive access to home markets. With the shifting in Rhode Island from commerce to manufacturing, which proceeded steadily after 1805, manufacturing became the dominating economic interest. The interruption of commerce preceding and during the War of 1812 favored American manufacturing. The tariff act of April 27, 1816, increased duties generally, which, in the instance of cotton cloth, reached 25 per cent. The cotton manufacturers of Rhode Island, in 1815, had asked Congress for more protection; three years later cotton and woolen manufacturers united in petitioning Congress to retain permanently the duties then in force. The Rhode Island Society for the Encouragement of Domestic Industries was chartered in 1820, its purpose being the promotion of fairs and exhibits of the products of Rhode Island. The tariff of 1824, emphatically protective, was followed in 1828 by the "Tariff of Abominations," and the Nullification controversy. The Rhode Island General Assembly, in 1828, requested the delegation in Congress to "use all proper efforts to procure such increase of duties upon imports as may effectually afford protection both to the production and manufacture of wool, cotton, iron, hemp and flax." President Jackson was firm in his purpose to suppress Nullification, but the controversy was ended effectually by modification of the tariff in 1832, and by the enactment of a compromise tariff in 1833, with a scale of duties gradually decreasing. Rhode Island remained steadfast in urging retention of the high protective policy.

The General Assembly in January, 1832, resolved: "That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of such acts as effectually to provide for the protection of national industry in relation to all articles of the growth or produce of the soil or mines, or of the manufactures of the United States, and especially to prevent the reduction of the duties on any kind of wool and woolen goods, and to increase the duties on every kind of woolen yarn imported into the United States." Aside from the clear exposition of the Rhode Island attitude, the resolution is interesting as indicating the Rhode Island interpretation of the relation of Congress to the States. The General Assembly "instructed" the Senators as the Assembly's own agents in Congress, and merely "requested" the Representatives of the people in the House of Representatives to act. The distinction was accurate until the Constitution of the United States was amended to provide for popular election of Senators.<sup>†</sup> In May, 1832, Rhode Island Congressmen were "instructed" and "requested" to oppose reduction of tariff duties, particularly on wool and manufactures of wool, because of large investments in the state.

Early in 1833 the General Assembly in resolutions declared that it viewed "with alarm and unqualified disapprobation" the proposal to abandon totally or partly, immediately or prospectively, the protective principle. The opposition was directed to Clay's compromise tariff, providing for gradual reduction of tariff rates. The resolutions voiced inability to perceive that a "surrender of a principle necessary for the independence and prosperity of the nation to menace of disunion or of lawless resistance proceeding from a minority can be less disastrous to the honor of the nation than surrender to actual and overpowering force." The Assembly declared protection to be a principle essential for the promotion of the welfare of manufacturing, labor and commerce; that a "vacillating policy" was disastrous; and that frequent alteration of tariff rates distracts and paralyzes industry. With the reorganization

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<sup>†</sup>Article XVII.

of national parties, protection had become a Whig policy, while revenue tariff rates were favored by the Democrats. Whereas Rhode Island had cast its electoral vote for Martin Van Buren for President in 1836, the popular vote being 2964 to 2710, William Henry Harrison carried Rhode Island in 1840, with 5278 votes for him and 3301 for President Van Buren.

William Sprague had already found the Democratic attitude on the tariff inconsistent with his interest in the textile industry in Rhode Island, and to him a sufficient reason for becoming a Whig. Other Rhode Islanders could rally to support Whig candidates for the same reason. Rhode Island was in favor of protection and prosperity, and of the Whigs so long as the latter supported a high protective tariff. The Assembly, in 1841, resolved "that the encouragement and protection of domestic industry do not require excessive duties, but only that the revenues necessary to defray the expenses of government be raised on such foreign articles as come into competition with similar articles grown or produced in our own country; that discriminatory duties for the purpose of revenue will operate beneficially in the interests of all the states by increasing the home consumption of the great staples, and by diminishing their indebtedness abroad, as well as by giving employment to labor at home; and that all the states ought to unite in adopting the principle of raising the revenue necessary to defray the expenses of government from duties levied on such articles of foreign growth or manufactures as will best sustain the greater interests and occupations of the people." The resolution of 1841 was almost anomalous, in its concession to the revenue principle in tariff making. Early in 1842 the Assembly was more emphatic in its declaration that when Rhode Island ratified the Constitution of the United States it acted with full reliance that Congress would protect the state's best interests; that Congress should consider protection of the "whole labor of the country," its first and paramount duty; that "free trade, in the present state of commercial relations throughout the world, is but an idle abstraction"; that the draining of specie is threatened by practices abroad; that it is as much the duty of Congress to protect the market from foreign labor as it is to protect the country from foreign aggression; that Congress should use the tariff as a weapon to compel reciprocity. The Whig Congress enacted a high protective tariff law in 1842, with duties averaging 33 per cent.; the Democrats, in 1846, passed the Walker low tariff law; duties were further reduced in 1857.

With the attitudes of national parties thus clearly defined, and Rhode Island prosperity dependent upon industries that asserted a need for protection, there need be little difficulty in determining which party would enlist the majority of freemen in Rhode Island under its banners. Rhode Island's preference for John Quincy Adams in 1824 and 1828 may be interpreted as indicating attachment to the New England wing of the old Republican party, disrupted in the election of 1824, when the nomination of William H. Crawford in congressional caucus was disregarded. The New England solidarity was shattered in 1832: Rhode Island, Connecticut and Massachusetts supported Clay; Maine and New Hampshire, Jackson; and Vermont, Wirt, the candidate of the anti-Masonic party. In eight years from 1828 Jackson had built an organization sufficient to elect Van Buren in 1836. Except Vermont, which supported Harrison; and Massachusetts, which alone gave its electoral votes for Webster, New England voted for Van Buren. President Jackson, in spite of opposition had won his way to esteem in the hearts of the people.

**THE EXPUNGING RESOLUTION**—The Rhode Island General Assembly in 1837 instructed the Rhode Island Senators in Congress to support Senator Benton's motion to expunge from the Senate records Senator Clay's resolution to censure the President for removing federal deposits from the Bank of the United States; and also to support R. M. Johnson for Vice President in the election in the Senate following the failure of the states to select a Vice President by majority vote. The resolutions follow: "Whereas the following resolution, passed by

the Senate of the United States, March 28, 1834, *viz.*: ‘Resolved that the President in the late executive proceedings in relation to the public revenue has assumed unto himself authority and power not conferred by the Constitution and law, but in derogation of both,’ is an unfounded censure of the President of the United States; and whereas this Assembly are desirous of maintaining and reasserting the right to instruct the Senators of this state in the Senate of the United States; therefore, resolved that Nehemiah R. Knight and Asher Robbins, now Senators of this state in the Senate of the United States, be and they are hereby instructed to vote to expunge from the Journal of the Senate the aforesaid resolution of March 28, 1834, in such form and manner as the majority of the Senate shall deem proper; and be it also resolved that if the election of the Vice President of the United States shall devolve upon the Senate, said Senators are hereby further instructed to vote for Richard M. Johnson of the State of Kentucky for Vice President of the United States, in accordance with the voice of a majority of the freemen of the state manifested in the election of electors of President and Vice President of the United States in the election held in November last.”

Rhode Island became Whig when the opposition to the Jackson Democratic party accomplished an organization—became so thoroughly Whig that Governor, Congressman and the General Assembly were Whig, and the presidential vote was cast for Garrison in 1840, for Clay in 1844, and Taylor in 1848. But then the Whig party began to decline with the waning strength of the brilliant men who had led it, and who, toward the end, had not the courage to grasp the issue presented in the slavery controversy. Clay and Webster died in 1852, only two years after their great antagonist, Calhoun. The Whig party was tottering to oblivion, and Pearce in 1852 carried Rhode Island along with every state except Maine and Massachusetts, Kentucky and Tennessee, in the Democratic party’s last victory but one for more than thirty years. Before discussing the position of Rhode Island in the slavery controversy we shall turn back for a time to politics within the state.

**REVISION OF STATUTES AND NEW STATE CONSTITUTION**—The Rhode Island criminal code was revised in 1838; aside from careful definitions of crimes, the most significant changes related to reduction in the number of capital offences, and in the severity of punishment generally. A revision of the general statutes, in progress as the Dorr movement reached its crisis, was delayed and completed after the Constitution of 1842 had been adopted and a new state government inaugurated.\* The “Public Laws of the State of Rhode Island” as revised were enacted at the January session, 1844.

The Constitution opened with a Bill of Rights in twenty-three sections. Four classes of citizens were qualified for suffrage: (1) Adult male citizens of the United States owning real estate valued at \$134 or renting for \$7, located in the town or city of residence; (2) adult male citizens of the United States owning real estate of the same value elsewhere in Rhode Island, called “certificate voters,” because qualifying by filing a certificate of ownership, to vote for general officers and members of the General Assembly; (3) registered adult male native citizens of the United States who paid a tax on property other than land assessed for \$134; (4) registered adult male native citizens of the United States, who paid voluntarily a registry tax or rendered militia service, qualified to vote for civil officers and on questions in town or ward meetings, except for members of the city council in Providence and on questions of tax or expenditure of money. The powers of government were distributed. The legislative power was vested in a General Assembly consisting of a Senate and House of Representatives. The Senate included the Lieutenant Governor and one Senator from each town or city, the Governor presiding without vote except in case of equal division. The House was limited to seventy-two members, apportioned on the basis of population, except that no town

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might elect less than one representative, and no town more than one-sixth of the total number. The General Assembly was directed to meet twice annually, at Newport in May for election and other business; at South Kingstown biennially, and at Bristol and East Greenwich alternately in the intermediate years, in October, with an adjournment from the October session annually at Providence. Thus Rhode Island retained five capitals, one in each county, until 1854; Article III of Amendments provided for an annual meeting at Newport on the last Tuesday in May, with an adjournment to be held annually at Providence. Article XI of Amendments, 1900, abolished the Newport meeting, providing for one session annually at Providence, beginning on the first Tuesday of January, and thus making Providence the only capital. The Governor had power, as he still has, to convene the General Assembly in extraordinary session. The Constitution abolished semi-annual elections of Representatives, by establishing one annual election on the first Wednesday of April. Until 1854 the list of persons voting in annual elections must be certified to the General Assembly. Elections were by majority vote, the grand committee having power to elect general officers from the highest two if no majority were returned. No person was eligible for office (except school committee) unless he was a qualified elector; persons holding federal office or serving under other governments were not eligible for office in Rhode Island. The Constitution established one Supreme Court, and authorized the General Assembly to erect courts of inferior jurisdiction, Supreme Court judges to be elected in grand committee on tenure to continue until removal by concurrent resolution of a majority of the members elected to each house, or until impeachment. The Constitution permitted impeachment of executive and judicial officers by the House of Representatives, and trial by the Senate. Two-thirds of the House was necessary to impeach the Governor; in the Senate conviction in all cases must be by two-thirds majority of the members elected. The Constitution contained an article on "Education," provided for amendments, and set up the process for putting it into operation and organizing the new government under its provisions.

In the digest revision of the laws, 1844, the arrangement was topical rather than in the chronological order of enactment that had been followed in earlier codifications. Elections of United States Senators was in grand committee, and not in separate houses; and, to obviate repetition of the unpleasantness of 1816, when an expiring General Assembly undertook to forestall a new Assembly, Senators could "not be elected before the stated session of the General Assembly next preceding the expiration of the term of service of the Senators for the time being."

For electing Representatives in Congress the state was divided into eastern and western districts, the eastern district including Newport County except Jamestown and New Shoreham, all of Bristol County, and Cumberland, North Providence, Providence and Smithfield, of Providence County. The western district included all of Kent and Washington counties, Jamestown and New Shoreham of Newport County, and Burrillville, Cranston, Foster, Gloucester, Johnston and Scituate of Providence County. Representatives in Congress were elected with state officers on the first Wednesday in April by majority vote, with provision for a second election of Congressmen by plurality vote if necessary. Presidential electors were chosen by the people every four years on the first Monday in November by plurality vote, with provision for filling vacancies, caused by tied votes, by the General Assembly in grand committee. The electors met in Bristol to cast the presidential vote, with power to fill vacancies in their own number occurring by declination or otherwise after election. The Supreme Court consisted of one chief and three associate justices, two being a quorum. For each county a court of common pleas, consisting of a justice of the Supreme Court as chief justice and two additional judges elected annually by the General Assembly, was erected. No judge of the Supreme or Common Pleas courts could be a member of the General Assembly.

Justices of the peace were appointed also, with jurisdiction in criminal cases limited to offences punishable by fine not exceeding \$20 or imprisonment not exceeding three months, and in civil cases limited to judgment in debt or damage to \$20, and not involving questions of title to land. The statute of limitations established title to land by undisturbed possession, claiming title, for twenty years, with actions by persons under impediment limited to ten years; and barred actions generally after six years, except trespass and ejectment (four years), slander (two years), and covenant (twenty years). Town councils were constituted courts of probate, with appeals to the Supreme Court; for Providence the municipal court was constituted the probate court. The school statutes, then in process of revision and codification, as part of the survey conducted by Henry Barnard as State Agent for Public Schools, were for the most part omitted from the Digest of 1844. The General Assembly continued to grant pardons and liberate prisoners; to entertain special petitions for divorce; to grant relief to poor debtors and insolvents additional to the procedure established in the statutes; to grant leave to sell property, a jurisdiction later confided to probate and other courts; to grant to aliens the right to acquire and hold real estate; to grant relief and to intervene in court procedure. The last continued until the Supreme Court asserted exclusive jurisdiction under the Constitution of judicial matters, and by decision in an actual case\* restated the doctrine of the advisory opinion† with reference to Dorr, that the Assembly had no power to set aside its judgments.

EFFECT OF DORR MOVEMENT ON PARTIES—The Dorr movement,‡ until it reached the phase in which Dorr and his followers resorted to military measures, was not partisan in the sense of identification with either of the existing major parties—Democrat or Whig. Dorr, who had been a Whig as late as 1835, ran for Congress as a candidate of the Constitution party in 1837, and as a candidate of the Democratic party in 1839. Not all Democrats favored Dorr or participated in the Dorr movement; Samuel Y. Atwell, though believing thoroughly that Rhode Island's government needed changes, did not join Dorr. On the other hand, so good a Whig as William Sprague—successful Democratic candidate for Congress in 1835 and successful Whig candidate for Governor in 1838—voted in the plebiscite in favor of the People's Constitution. These three—Dorr, Atwell and Sprague—may serve to indicate the divorce of the Dorr movement from party politics that warrants study of it apart from politics as a purely constitutional movement intended to test the validity of a principle in actual practice. Dorr's attack upon the arsenal, however, precipitated a new alignment of parties in Rhode Island. Over to the Whig repositories for the time being of power under the Charter government went a host of "patriots," rallying to the banner of "law and order" raised by Governor King and his associates. William Sprague, accused of deserting Dorr after voting for the People's Constitution, was prominent. James Fenner, sturdy Republican of the old school and presumably Democrat—his support of Jackson had aroused sufficient opposition to accomplish his defeat for reelection as Governor in 1831 after eleven years of service—emerged from political retirement to become, as standard-bearer of the new coalition, under the name of "Law and Order" party, its candidate for Governor. Some who were still in doubt after the attack on the arsenal were confirmed in apprehension of danger to peace by the fiasco in arms at Acote's Hill. His more timid followers had deserted Dorr long before. There was, nevertheless, a sturdy remnant of the Democratic party, too steadfast to be swept by emotion into the hysteria that was fatal to Dorr's chance for ultimate success, and still alert to take advantage of opportunity to wrest control of the state government from the Whigs.

\**Taylor vs. Place*, 4 R. I. 324.

†3 R. I. 299.

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The key to the new situation lay in the attitude of the new voters enfranchised by the Constitution of 1842. Could the new voters be persuaded that they owned political citizenship to the party that had opposed the Whigs, there was a chance that the Democrats might ride back into control of the state government. The strategy suggested was worth trying; the Democrats resolved to make the best of the situation, and were almost successful. In a total vote of 16,520, almost twice the largest vote polled in a state election before 1843, Governor Fenner's majority was only 1694. The effort of the Democrats was not sustained, however; Governor Fenner was re-elected with "scattering" opposition in 1844. He was defeated in 1845 by a majority of 149 on the issue of liberating Dorr from prison, because the "Law and Order" party had erred in severity and in the trial of Dorr had departed from practices that appeal to the innate sense of justice of the common man. With Dorr out of prison the movement that had elected Governor Jackson in 1845 waned, and Governor Jackson, Democrat and "Liberation," polled 88 ballots fewer than Byron Diman in 1846. The latter, failing to attain a majority because of scattering votes, was elected as Governor by the General Assembly. With that election the party names of "Law and Order" and "Liberation" were discarded.

The Whigs returned to power as the dominating party, electing Elisha Harris, 1847 and 1848, and Henry B. Anthony, 1849 and 1850. The latter was a young man in politics, whose service as editor of the "Providence Journal" supporting "law and order," once the Dorr movement had threatened violence, won him prestige. The Law and Order party carried both congressional districts in 1843, but lost the Western district in 1845, when ex-Governor Lemuel H. Arnold defeated Elisha R. Potter for re-election. The Eastern district was Whig in 1845, and thereafter until 1853, in spite of the Democratic upheaval in 1851. The Western district after 1845 alternated in electing Whig and Democrat.

There was, after the Dorr movement had spent itself, and the Law and Order party had served its purpose, another sifting and shifting of political alliances. Elisha R. Potter, elected as Congressman by the Law and Order party in 1845, and defeated in 1847 as candidate of the same party, was Democratic candidate for Governor in 1858 and 1859, and elected as an Associate Justice of the Supreme Court by a Republican General Assembly in 1868. Lemuel H. Arnold, who defeated Elisha R. Potter for Congress in 1845, ran for Congress as a Whig in 1847 and 1849. The extension of suffrage in 1852 had scarcely affected the balance of political power. It had not been revolutionary. Rhode Island emerged from the constitutional struggle with two strong state political parties as before, odds favoring the Whig party because the Whig national organization advocated the protective tariff policy, of which Henry Clay was the most brilliant exponent in his career in Congress. While the Democrats were so strong as to be able to contest an election vigorously; in the years of contested elections Whig resistance increased proportionately to Democratic effort, and the consequence was usually a heavier vote, with little change in majorities. A new party, Free Soil, entered the lists in 1846, with Edward Harris as its candidate for Governor, polling enough votes in that year to prevent an election of Governor by the people. A "License" party nominated candidates for Governor and Lieutenant Governor in 1847, and the Prohibition party nominated a candidate for Mayor in Providence.

**DECLINE OF WHIGS AND VICTORY OF DEMOCRATS**—The national Whig party was approaching dissolution with the turn of the half-century in 1850. It had already won its last election. The nomination of General Winfield Scott in 1852 was a desperate expedient to capitalize military achievement and repeat the party successes with Harrison and Taylor. The Whig party in Rhode Island had become either negligent because of overconfidence or decadent as it approached extinction; it was no longer militant and unified. The grand com-

mittee, in 1851, on the eighth ballot elected Charles James as United States Senator, when a coalition of Democrats and bolting Whigs triumphed by superior strategy over the divided Whigs, whose overwhelming control of the Assembly made them scornful of Democrats. Senator James subsequently admitted that he was a Democrat. The Democrats did not contest the reëlection of Governor Anthony in 1850, but they had given such attention to registration in anticipation of the election of 1851 that they were able to elect Philip Allen as Governor, Judge William Beach Lawrence as Lieutenant Governor, and with them a state ticket of general officers and a majority of the Senate. The Whigs barely controlled the House, but the Democrats had a majority in grand committee, and elected their candidates for state offices. From the Eastern congressional district the returns indicated that 2958 electors had voted for George C. King as candidate for the Thirty-first Congress, erroneously, and 505 for King as candidate for the Thirty-second Congress. Both sets of ballots were counted for King, making his total vote 3463 to 3239 for Welcome B. Sayles, Democrat. The grand committee declared King, a Whig, elected. Governor Allen was a graduate of Brown University, and was wealthy because of a successful career as manufacturer and financier. Lieutenant Governor Lawrence, after achieving prominence and wealth as a lawyer in New York, had established first a summer and later a permanent residence at Newport. He was subsequently distinguished as an international lawyer and as a writer of history and on international law.

The wealth of Allen and Lawrence precipitated a storm of accusations by the defeated and chagrined Whigs, who had really been beaten in the preëlection registration, that the Democratic party had won the election through wholesale bribery. Whether the accusations were warranted or not, the Democrats, on achieving control of the state government undertook an extensive program of political measures purposing "reform" and the consolidation of Democratic victory. Dorr had not been forgotten; the Democrats in grand committee had cast their votes for him for United States Senator in 1846; in 1851 Dorr and others who had participated in the constitutional movement were restored to complete political rights.

The first secret ballot law was enacted, on Democratic initiative, in 1851. It required the voter to place a written or printed list of the persons he wished to vote for in a sealed envelope of uniform design, to be furnished by the Secretary of State; the ballot was not to be signed and must not carry the name of the voter except as a candidate for office; the envelope must be sealed and without distinguishing mark. Envelopes containing more than one ballot were rejected in the count. The ballot law provided for keeping a check list of names; the number of ballots cast and counted must correspond with the list. To assure an abundance of envelopes, the supply at polling places must be six times the number of names listed. A statute enacted in January, 1854, penalized as bribery offering an inducement to refrain from voting, the only certain method, after the secret ballot law was passed, of controlling an elector. Democrats claimed advantage from the secret ballot law in succeeding elections, in 1852 and 1853; one of the earliest measures enacted by the General Assembly in 1854, after the Democrats had lost control, was one which made the use of the envelope optional with the voter. The Democrats succeeded also in obtaining legislation extending the time for paying registry taxes to within three days of election; the favorable or unfavorable effect of such measures upon the fortunes of parties is a matter for debate; the advantage or disadvantage lies, according to the point of view, in associating with or disassociating from election the matter of qualifying. The election legislation of the year required town clerks to keep public books for registration of electors, regulated the process of canvassing voting lists, and required that the polls be kept open all day in elections of state general officers and members of the General Assembly, Representatives in Congress, and presidential electors.

Governor Allen led the Democrats to victory again in 1852, only Judge Lawrence failing

of reëlection. He had spoken freely in opposition to prohibition, and Schuyler Fisher, Prohibitionist, who ran as third candidate, polled enough votes to prevent an election by majority; as it was Samuel G. Arnold, who also opposed Judge Lawrence, polled 8829 votes to 8093 for Judge Lawrence, lacking 95 votes of a majority. The procedure in grand committee was characteristic of the political strategy of the period. When the vote for Lieutenant Governor was announced, a motion was made to proceed to elect the Lieutenant Governor in grand committee. Immediately a motion to adjourn was made and lost, 27-43. Next a motion that the grand committee "rise" was lost, 29-42. A second motion to adjourn was lost, 29-42. A motion to lay the motion to elect on the table was lost, 27-42, before the motion to proceed was carried, 57-43. The grand committee elected Samuel G. Arnold, who was also the distinguished historian of Rhode Island as a colony and independent state to 1790, as Lieutenant Governor, 57-40, with two votes scattering. The prohibition issue, on which Judge Lawrence's political career in Rhode Island had been wrecked, had been before the House of Representatives early in 1852, the House rejecting a prohibitory law, 31-37. Later in the year a prohibitory law was passed, subject to repeal by the people in a referendum; the referendum resulted favorably to prohibition by a close vote, 8228 for repeal and 9280 against repeal.

The Democrats elected, in 1852, presidential electors favorable to Franklin Pierce, the last New England President until Calvin Coolidge. On February 1, 1853, the Senate, then controlled by the Democrats, refused to join the House of Representatives in grand committee to elect a United States Senator. The grand committee, in May, 1853, elected Governor Philip Allen as United States Senator unanimously. The four Rhode Island Congressmen were then Democrats. With Governor Allen, in 1853, the Democrats elected a complete state ticket and a majority in both branches of the General Assembly, including a complete delegation from Providence, which the year before had sent Americus Vespuccius Potter as its first Democratic Representative in the Assembly.

**THE DEMOCRATIC PROGRAM**—The Democrats lost no time in carrying forward their program. Returning to the issues of 1842, the General Assembly in May, 1853, ordered a referendum on calling a constitutional convention, delegates to be elected on the same day that the question was voted. The vote was 4570 for and 6282 against a constitutional convention. The General Assembly, in October, ordered a second referendum on the question of calling a convention to discuss a limited program for revision of the Constitution, the subjects being (1) abolition of the registry tax; (2) extension of the time for registration to a day nearer election; (3) the districting of cities and large towns for electing Representatives in the General Assembly. Again the referendum was unfavorable, the vote being 3778 for and 7618 against holding a convention. The Assembly next proposed nine amendments to the Constitution in the manner provided in the Constitution of 1842, as follows: (1) To abolish the registry tax; (2) to permit registration up to 20 days before election; (3) to abolish the requirement that lists of voters be certified to the General Assembly; (4) to vest the pardoning power in the Governor by and with the advice and consent of the Senate; (5) to abolish the property qualification for voting for members of the city council in Providence; (6) to permit amendment of the Constitution by approval of two successive General Assemblies, and majority vote, instead of sixty per cent. of the voters; (7) to permit a person qualified as an elector, and leaving the state, on return within six years to qualify on six months residence; (8) to change the date of the state election to the fourth Tuesday in March; (9) to provide for one session of the General Assembly annually at Newport on the last Tuesday in May, with adjournment to Providence. The next General Assembly, June, 1854, approved of the nine proposed amendments the first four and the ninth, and submitted them to the referendum. Of the five three were approved, becoming articles I, II and III of amendments to the

Constitution, thus: (1) To abolish the requirement that lists of voters be certified to the General Assembly; (2) to vest the pardoning power in the Governor, by and with the advice and consent of the Senate;\* (3) to provide for one annual session of the General Assembly at Newport, with adjournment to Providence. On the proposition to abolish the registry tax the vote was 3303 for and 2222 against; a change of 12 votes would have carried the amendment. On the proposition to close registration 20 days before election the vote was 2964 for and 2512 against; 312 votes for were needed to make sixty per cent. Propositions 5 and 6 were not recommended by the committee of the General Assembly of 1854; propositions 7 and 8 were rejected by the General Assembly. Among other measures in its political program enacted by the Democratic General Assembly of 1853 were the following:

1. Extending suffrage in Providence to permit registry voters to participate in the election of Mayor, and granting the Mayor the veto power. Under this statute Walter R. Danforth was elected as first Democratic Mayor of Providence. The General Assembly of 1854 repealed the act so far as it extended suffrage.

2. Establishing a seventh ward in Providence by division of the Sixth Ward, and providing for the election of Alderman, one for and in each ward. The act made it possible for the Democrats to elect one or more Aldermen. The provision for electing Aldermen by wards was repealed in 1854.

3. A resolution that the registry tax ought to be abolished. This measure failed in the referendum as a proposed amendment to the Constitution lacking a dozen votes of the three-fifths required.

4. An act requiring the assessors of taxes in towns and cities to assess for personal property to an amount not less than \$200, any person not assessed who presented "a certificate under his signature and by him sworn" to, that he is worth at least the sum of \$200. The act would permit any person desiring to qualify for complete suffrage to do so, and not make his qualification conditional upon the willingness of the assessors to levy a tax.† Incidentally it would practically abolish the difference between registry voters at one dollar per year, and personal property voters at the stated tax on \$200. In Providence, in 1854, the effect was to qualify a new class of voters for members of the city council. The act was effectually repealed in January, 1855, by an act giving to the city council the power to regulate the assessing of taxes by ordinance; and by a general tax law passed at the same session.

5. An act repealing the conviction of Dorr for treason and ordering the record of conviction expunged. The Supreme Court, on the request of the following General Assembly, rendered an advisory opinion, in which the Court asserted that the repealing and expunging act was unconstitutional.‡ The General Assembly ordered the opinion of the Supreme Court spread upon the legislative journal.

6. A resolution expunging a resolution of censure of Democratic members of the General Assembly, who, in 1844, asked Congress to investigate political affairs in Rhode Island. The expunging resolution followed the style of Benton's famous resolution expunging censure of President Jackson from the record of the United States Senate.

7. An act reorganizing the school committee of Providence. The Providence school committee up to 1828 was an auxiliary of the town council, which was the actually controlling administrative agency. A school committee elected by the freemen was established under the general school act of 1828, serving as a body independent of the council. The city charter took from the freemen the right to elect their school committee. The new school committee of 1853 consisted of the existing school committee plus members elected by the people enough

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\*Pardon does not include restoration of civil rights without action of Assembly. 4. R. I. 583.

†See *Lennon vs. Board of Canvassers*. 29 R. I. 329, 456.

‡3 R. I. 299.

to divest the city council of control. The thirty members included two from each of seven wards elected by the people, fourteen members chosen by the city council, the Mayor and the President of the common council. Half the members, that is, the Mayor and the members chosen in ward meetings would be popularly elected. The General Assembly elected in 1854 undertook, in 1855, to restore the school committee to city council control, again by increasing the membership. Of forty-five members twenty-one were elected by the people, three from each of seven wards; twenty were chosen by the city council; the Mayor, president of the common council and chairman of the committee on education served *ex-officiis*. The Mayor was no longer elected by suffrage of registry voters.

8. An act requiring the opening and closing of the polls at stated hours, and keeping the polls open on election day long enough to accommodate voters who worked the long hours common in 1853; and another directing the election by the voters of wardens and clerks for elective meetings.

In its legislative program the extraordinary General Assembly had found ways and means by which restrictions in the Constitution of 1842 might be modified by statute and practice; in its general political program it had anticipated many of the measures which later would become issues in post bellum politics. The House of Representatives in September, 1853, voted to remove the judges of the Supreme Court by declaring their seats vacant, as provided by section 4 of article X of the Constitution; the measure was abandoned because of opposition in the Senate.

Not all of the Assembly's activities were political; among the measures enacted into law in 1853-1854 were (1) an act forbidding banks to issue fractional paper currency; (2) an act allowing actions for damages on the death of a person killed by the negligent or wrongful act of a common carrier, to be maintained for the benefit of immediate relatives having a pecuniary interest in the life of the deceased; (3) an act establishing the procedure in courts in which constitutional questions were raised; (4) an act forbidding the employment of any child under fifteen years of age more than nine months in any calendar year and unless the child had attended school three months in the preceding year; (5) an act permitting public visitation by school committees of schools or asylums claiming tax exemption; (6) a resolution for construction, as a joint state enterprise by the thirteen original states, of a suitable monument to American Independence, at Philadelphia. The General Assembly chartered the usual number of corporations, and appointed committees to investigate alleged discrimination practiced by the Stonington Railroad, and to inspect the Providence Reform School. In addition it adopted a resolution stating Rhode Island's position on the Nebraska bill, and ordering the printing of a charge to the grand jury by Judge Staples, in which the latter reviewed the history of the criminal law of Rhode Island. Newport became a city, for the second time, in May, 1853, when the freemen accepted a charter. The Democratic General Assembly of 1853 was militant, as it marked flood tide of a movement which had been sustained for three years. The Democratic party went down to defeat in the election of 1854.

RHODE ISLAND ANTICIPATED PEACE TREATIES SEVENTY-FIVE YEARS—With the purpose of preserving unity in the discussion of a significant political movement we have passed over a resolution adopted by the Rhode Island General Assembly in the spring of 1853 in which Rhode Island, as in reference to so many other things and on so many other occasions, attained a position far in advance of the times and prophetic of what was to be. The Rhode Island Peace Society had been incorporated in 1825, "for the purpose of suppressing by every lawful and justifiable means which God has graciously put in their hands a spirit of war and a danger of aggression and conquest, and by cherishing and encouraging a spirit of peace among individuals and Christian and civilized nations." Little more than a quarter of a century later,

when war was threatened in almost every quarter of the globe—with England watching Napoleon III in France and fighting the Kaffirs in South Africa; with all of Europe agog because of insurrection in Milan; with United States diplomacy difficult because of affairs in Mexico and Hayti, and a subtle propaganda aimed at annexation of more territory, possibly Cuba and Mexico—the “Providence Journal,” on January 29, 1853, anticipated President Wilson’s famous “open covenants openly arrived at” by declaring in an editorial: “It would be an example of real progress to exhibit to the world, if this great republic would break away from concealments and entanglements of diplomacy, and communicate directly and openly with foreign powers.” Six days later the House of Representatives adopted a resolution reported out from the committee to which it had been referred early in the session after introduction by request of the Rhode Island Peace Society.

The resolution anticipated the arbitration of the Alabama Claims, the Hague Tribunal, the long series of arbitration treaties negotiated by William J. Bryan as Secretary of State in President Wilson’s first Cabinet, President Wilson’s own plan for a world court of arbitration for justiciable questions before recourse to war, and the Kellogg treaties to outlaw war. Rhode Island, in 1853, unfolded for the world a plan for universal peace in the following resolutions: “Whereas, appeals to the sword for the determination of national controversies are always productive of immense evils, and whereas the spirit and enterprise of the age, but more especially the genius of our own government, the habits of our people and the highest permanent prosperity of our republic, as well as the claims of humanity, the dictates of enlightened reason, and the principles of our holy religion, all require the adoption of every possible measure consistent with national honor, and the security of our rights, to prevent as far as possible the recurrence of war hereafter; therefore, resolved, that in the judgment of this General Assembly, it is desirable for the government of these United States, whenever practicable, to secure in its treaties with other nations a provision for referring to the decisions of umpires all future misunderstandings that cannot be satisfactorily adjusted by amicable negotiations, in the first instance, before a resort to hostilities shall be had.”

THE KNOW NOTHING INTERVAL SHORT IN RHODE ISLAND—The Democrats became a minority party in the state election of 1854. Besides losing, through his election to the United States Senate, an inspiring leader in the person of Philip Allen, their aggressive program of political measures, outlining changes that were momentous, if not revolutionary, had alienated a group of conservatives. The Whig newspapers, moreover, had conducted a subtle and effective propaganda against extension of suffrage, in which they had not hesitated to appeal to racial and religious prejudice. Elsewhere than in Rhode Island this had appeared much earlier. In a letter to Timothy Pickering, then Secretary of State, Rufus King, who was in England after the Irish rebellion of 1798, expressed apprehension that Irish rebels might emigrate to the United States. Irish came to swell the number who had come before, including among the latter the parents of General John Sullivan—father from Tipperary and mother from Cork. Rhode Island loved John Sullivan so well for his services in the state during the Revolution and at the battle of Rhode Island that a tablet to his memory has been erected in the State House at Providence.

Federalists other than Pickering and King shared the latter’s uneasiness, which was heightened when the American Society of United Irishmen, a secret organization pledged to promote the independence of Ireland, was found usually, as its members became naturalized citizens of the United States, supporting Republicans first, and Democrats later, against Federalists and Whigs. Had other motives been wanting, the alien and sedition laws and Federalist opposition to extension of suffrage were sufficient reasons. Irish came to Rhode Island, attracted by opportunities for employment; by contemporaries they were reported as

having done their part in the building of fortifications in and around Providence during the War of 1812. Because of industrial development, and later the construction of roads, the Blackstone canal, and railways, there was steady immigration, accelerated somewhat also by economic conditions in Ireland following the famine years of 1826 and 1848. There was not in Rhode Island, as in Connecticut, and particularly in Massachusetts, following the inflammatory sermons of Lyman Beecher against foreigners and Catholics, the bitter and violent opposition that displayed itself in rioting, mob violence, and the sacking of the Ursuline Convent at Charlestown. The Rhode Island suffrage laws in the first half of the nineteenth century were not, because of stringent restriction to freemen landholders, such as to occasion serious apprehension that the Irish might become a significant factor in politics or government. The suffrage laws excluded all who were not freemen and landholders, and landholders who were not freemen as well as freemen who were not landholders. Yet Benjamin Hazard, in concluding his report in 1829 in opposition to an extension of suffrage, denounced the signers of a petition, which had been referred to his committee, as "foreigners," and warned his colleagues in the General Assembly against "Irish and negroes." Some who did not look with favor on any of the three constitutional movements that culminated in 1842 capitalized prejudices against "low Irish and niggers." Neither the Landholders' nor the People's Constitution enfranchised negroes; the referendum in connection with the adoption of the Constitution of 1842 eliminated discrimination against negroes because of color.

The "Providence Journal," of November 19, 1835, under the caption, "A Cargo of Priests," said: "The 'New York Journal of Commerce' says: 'The brig 'Poultney,' which arrived on Monday, had seven cabin passengers, all of them Catholic priests. A large proportion of the vessels which arrive from Europe bring more or less of these agents of spiritual and political despotism. Possibly some 'Black O'Connell' may be found among them, to talk loud of liberty. We dare say there are many George Thompsons to preach the reformation of morals among us.'" The "New York Journal of Commerce" was one of the most bigoted newspapers of the period. The references were to Daniel O'Connell and the revolutionary readjustment of Irish-English relations accomplished by him through sheer force of public opinion without violence; and to George Thompson, an English evangelist, who had become an outspoken and radical Abolitionist.

The "Journal" for itself at the same time, August 3, 1835, refused to indorse a proposition that no foreign-born citizen should be considered eligible for public office, saying: "There are certainly many foreigners in our country who duly appreciate the blessings of our free institutions and who would make any sacrifice to support them," adding, however: "By the interference and example of foreigners we have seen riots and bloodshed at an election, all labor suspended in our towns and cities by strikes for high wages, the 'ten-hour system' . . . ." The disturbances referred to were not in Rhode Island. The "Journal" of 1835 reported riots occasionally—one at Philadelphia against negroes, another at New Bedford against Portuguese, and a riot at Detroit, of which it was alleged that Irish had assembled to assault a few sailors and citizens. The last item suggests that the riot in Providence in September, 1831, might have been reported as precipitated by an assault of "assembled negroes" upon "a few sailors and citizens." Staples reported it\* as beginning with an invasion of a negro neighborhood by sailors.

As an instance of the effect that prejudice might have on what was seen, the "New York Journal of Commerce," in an account of a mob attack upon the Montgomery Guards in Boston in 1837, justified violence by the alleged "effrontery . . . of foreigners . . . who had the total want of decency . . . to appear with arms in their hands." The facts were these:

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The Montgomery Guards were all citizens of the United States and of Massachusetts, and all naturalized Irishmen or native-born American sons of Irish parents; they were members of an organized body of militia enrolled in the service of the commonwealth, and had been ordered out on duty. Other divisions refused to parade with the Montgomery Guards, and the latter were stoned and otherwise maltreated by a mob as they marched back to their armory. The Adjutant General subsequently commended the Montgomery Guards for "exemplary conduct . . . under the trying circumstances." For reasons noted above, additional to the Rhode Island doctrine of religious toleration, there was less agitation in Rhode Island than elsewhere, and Rhode Islanders for the most part were kindly disposed to Irish Catholics who came to live among them.

Catholics cherish the memories of Bishop Griswold, who invited Bishop Cheverus of Boston to preach from the pulpit of St. Michael's Episcopal Church at Bristol; of David Wilkinson, brother-in-law of Samuel Slater, who donated as a site for a Catholic church the land on which stands St. Mary's Church in Pawtucket; of Walter Allen, of Union Village, Woonsocket, who opened his house that Rev. Fr. Woodley might say Mass for a small congregation of Catholics; and others, including the owner of the old Sheldon School in Providence. Except in rare instances, such as the "Journal's" reprint of a news item from the "New York Journal of Commerce," and except for a brief period following the turn of the half century, Rhode Island newspapers, although there was little else that these defiant exemplars of a free and unmuzzled press did not exploit in their bitterly partisan discussions of measures and of men who became candidates for public office, only occasionally printed articles that indicated religious prejudice, which was foreign to Rhode Island. The exception occurred in the period in which the Whigs recognized in the increasing strength of the reorganized Democratic party a possibly successful movement to increase the number of qualified voters.

Even the "Providence Journal," staunch at the time in opposition to the suffrage movement, published articles, with almost daily frequency, that kept the alien and religious questions constantly before its readers. Quarrels in other states over division of school money furnished subject matter for reports and discussion. The building of Roman Catholic churches in Rhode Island, and the opening of Catholic parochial schools were noted. Two measures were presented in the General Assembly, in 1853, with the purpose of enforcing attendance exclusively on public instruction, and were opposed by Elisha R. Potter, then Commissioner of Public Schools, as in conflict with Rhode Island traditions of individual liberty. The compulsory attendance legislation that followed almost immediately, 1854, required instruction, but left the choice of school to the parents. Rhode Island thus anticipated the American solution of the problem, and put into practice, in 1854, the doctrine laid down by the Supreme Court of the United States in the twentieth century Oregon<sup>†</sup> and Nebraska<sup>‡</sup> cases. The General Assembly, in 1853, enacted legislation opening private schools and asylums claiming tax exemption to visitation and inspection by public school committees. The excess of newspaper agitation was abated somewhat with the passing of the Democratic party from power, to be taken up again by the "Tribune," then newspaper spokesman of the American or Know Nothing party, which supported William W. Hoppin, Whig in 1855 and Republican in 1856, as candidate for Governor, and in 1855 elected both Representatives in Congress.

The "Tribune," in March, 1855, printed an article in which it was alleged that Miss Rebecca Newell, an estimable young lady and prominent socially, had been persuaded by undue influence to enter as a nun the Convent of the Sisters of Mercy, then standing at Broad and Claverick Streets in Providence, on the present site of St. Xavier's Academy. The "Tribune"

<sup>†</sup>Pierce *vs.* Sisters of Holy Name, 263 U. S. 510.

<sup>‡</sup>Meyer *vs.* Nebraska, 262 U. S. 390.

story aroused discussion, and the city was placarded with notices, reading: "Americans. To whom these presents may come: Greetings. When rumors are afloat of a certain transaction, of a certain anti-law party in the vicinity of the corner of Claverick and Broad Streets, every true native American-born citizen is requested, one and all, to assemble there Thursday evening, March 22, 1855, at eight o'clock precise. There, with true regard to law, and consulting the feelings and sympathies of Sam, proceedings of the most solemn and unquestionable nature will be transacted. One and all to the rescue. The password is 'Show yourself.'" The "Journal" of March 21 published, at the request of Miss Newell, a letter in which she denied that she had been persuaded in any other way than by her own serious inclination and free will to enter the convent. The "Journal" added this comment: "However unpleasant it may be to see a young lady of high intelligence and character forsake the religion of her fathers, and devote her life to a conventional life instead of gracing the society which she is so well qualified to adorn, there is certainly no law against it in the land of Roger Williams, and she must judge for herself." The "Journal" on March 22 said: "Some mischievous fool, misled by the story about Miss Newell, which the young lady herself contradicts, has placarded on the streets an invitation for a mob to assemble in front of the convent. The nearest way to the watch house is by College Street, but if any rowdies prefer the more roundabout course of annoying and insulting defenceless women, they can accept the wild offer. The placard would be most atrocious if there was a chance that its suggestions would be acted upon, but this we do not regard as possible. Should an attempt be made to violate the laws, the authorities lack neither the disposition nor the means to preserve the peace of the city, and they would have the support of all the friends of law and order of every party. Providence is not a city where mobs flourish."

Reports of exactly what happened at Broad and Claverick streets on the evening of March 22 vary slightly in emphasis upon detail, but not essentially as to facts. Mayor Knowles was at the convent early, as was also Bishop O'Reilly. The Sisters of Mercy were adamant in refusing to leave under threat of danger. A large crowd assembled, including (1) some who came to participate in a riot should there be one; (2) some who came to defend the convent should occasion arise; and (3) the number of the curious that might be expected. Mayor Knowles read the riot act, and ordered those assembled to disperse. Bishop O'Reilly addressed the people, pleading for order and for manliness. The people dispersed, and there was no violence, although for a time thereafter the convent was carefully guarded. The "Journal" of March 23 reported the episode thus: "The Convent: The attempt to get up a row at the convent last evening was a failure. A large crowd assembled in front of the building; but no violence was offered, and little disturbance was made. Most of the people were probably drawn there by curiosity, and many, doubtless, went with the design of supporting the authorities if aid should be required. The Mayor was present, a strong police force was in readiness, and it is understood that further preparations were quietly and judiciously made. The crowd dispersed at an early hour, with no other damage than one stone thrown at the house, and a few cheers and groans. The following notice was placarded in the streets yesterday: 'A Shameful Attempt to Create a Mob. The enemies of the American Order have called upon its members to gather for a mob at the corner of Claverick and Broad streets this evening. Let the enemies alone be held responsible for this call and its consequences. Welcome the scoundrels to all the party capital they can make out of it. The members of the order will, of course, take no further notice of it than to treat its originators with merited contempt, and leave them to do their own work of persecution.'" It seems to be certain that, whether the threat to sack the convent originated with the American Order or otherwise, the Mayor and government of Providence were faithful to their duty of preserving order and pro-

tecting life and property, and that the "Journal," representing as it did the most influential citizens of state and city, frowned upon rowdyism and violence.

The American party was short-lived in Rhode Island. Supporting Governor Hoppin, it helped to defeat Americus Vespuccius Potter, the Democratic candidate, in 1855 and 1856. In the Eastern Congressional district it opposed a Democrat in 1855, and in the Western district helped to reelect Benjamin B. Thurston, who had been elected previously as a Democrat. The American party Congressman in the Eastern district was reelected in 1857 as a Republican, defeating Ambrose E. Burnside, who ran as a Democrat. The latter was later distinguished as a Civil War General, and was elected to the United States Senate as a Republican. Ex-President Millard Fillmore, who became the American party candidate for President in 1856, was badly defeated; in Rhode Island his total vote was 1675 in a total of 19,822, which affords the only reliable estimate of the probable strength of the state party. As a well-organized minority, it achieved success in state politics by throwing its strength into the scales to offset marginal valence of stronger parties. Its endorsement of other party candidates or coöperation with other parties indicates that the division between Democrats and Whigs or Republicans was not on racial or religious lines. The American party was anomalous in Rhode Island and inconsistent with Rhode Island's best traditions; it disappeared altogether from Rhode Island politics with the advent of an issue that attained in 1860 a momentum that was irresistible. The efforts of statesmen to ignore the slavery issue failed eventually; the forces restrained temporarily by compromises broke all barriers. The time had arrived in which America must answer: Free or Slave?

THE SLAVERY ISSUE—Forty-two Rhode Islanders in 1840, and 107 in 1844 voted for James G. Birney, candidate of the Liberty party, for President of the United States. The nomination of Edward Harris for Governor and of Stephen Wilcox for Lieutenant Governor by the Free Soil party in 1846 prevented in that year an election by popular vote under the majority requirement of the Constitution, and introduced a new national party question as an issue in state politics. Harris continued as a candidate for Governor annually, except in 1852, until 1853. Ex-President Martin Van Buren, candidate of the Free Soil party in 1845 for President, received 730 Rhode Island votes; John P. Hale, the party candidate in 1852, polled 644. Both Liberty and Free Soil parties opposed slavery. Rhode Island's position on slavery when slavery became a major issue had been foreshadowed two centuries earlier in a colonial law against slavery enacted May 18, 1652; and again at the close of the colonial period by (1) an act passed in June, 1774, which forbade the importation of slaves; and (2) an act passed February 23, 1784, which declared that all children born of slave parents in Rhode Island after March 1, 1784, were free. The Providence Society for Promoting the Abolition of Slavery was chartered by the General Assembly in June, 1790. A public anti-slavery meeting was held in Providence on July 4, 1833. The state Constitution of 1842 declared "Slavery shall not be permitted in this state." In the referendum in which the Constitution was adopted the people voted against excluding negroes from political rights because of color, although neither the People's nor the Landholders' Constitution of the period granted suffrage to negroes. When, in 1817, The Society of Friends of Baltimore petitioned Congress to adopt laws to prevent the slave trade<sup>§</sup> and to join with other nations to obtain complete abolition, Senator James Burrill of Rhode Island moved to refer the petition to a committee, and took a prominent part in the debate precipitated by his motion. "It is not opposed to our national policy," said Senator Burrill. "A provision was made for it in the Treaty of Ghent. Only by coöperation of nations, can the slave trade be abolished, for, no matter how many of them prohibited it, if one or two carried it on, the evil would continue to the same

<sup>§</sup>Importation forbidden 1808.



JAMES BURRILL, JR.

1772-1820—Attorney-General and Chief Justice of Supreme Court of  
Rhode Island and United States Senator



degree." Maintaining that the United States was in honor bound to fulfil the provisions of the Treaty of Ghent, Senator Burrill continued: "The Senate should not give ground for the disgraceful suspicion that they were not sincere and honest in this cause of suffering humanity. The slave states were joined with the free in working for the abolition of this abominable traffic. Indeed, it was Virginia that had the honor of being the first state to prohibit it." Senator Burrill's motion was carried, 17-16; the report of the committee bore fruit in legislation. Congress authorized the President to send cruisers to the coast of Africa to stop the slave trade, and in 1820 declared the slave trade to be piracy. The Missouri Compromise, 1820, ended debating in Congress on slavery for the time being.

Rhode Island opposed the annexation of Texas and the Mexican War.\* The General Assembly, in 1848, passed "An act further to protect personal liberty,"‡ which forbade state officers, including justices of courts, sheriffs and their deputies, coroners, constables, jailers and others, to assist in enforcement of the fugitive slave law enacted by Congress, February 12, 1793, thus leaving enforcement exclusively to federal officers.† When Congress, in 1850, yielded to Southern demand for a more drastic fugitive slave law, the General Assembly, in 1854, ordered the Rhode Island "personal liberty" statute of 1848 reprinted and republished, with an amendment declaring it applicable to the later act of Congress. By 1850 the slavery issue had been defined so clearly that the General Assembly did not hesitate to declare the position of Rhode Island. The occasion was the debate in Congress on the admission of California as a free state; the latter, with the discovery of gold, January 19, 1848, had been populated more rapidly than any territory in the history of the United States. Adventurers poured in from all parts of the country, including a numerous contingent from Rhode Island. The people of California had adopted a Constitution which prohibited slavery, and admission was opposed by the South for that reason.

The Rhode Island resolutions, besides condemning slavery, urged the preservation of the union as of "paramount importance," thus anticipating Abraham Lincoln's famous declaration in his letter to Horace Greeley, in which the President announced his purpose to be the preservation of the union. The resolutions, in part, follow: "That the people of this state retain, with unchangeable fidelity, that attachment to the principles of freedom which has distinguished their whole history; that, having long since abolished slavery within their own borders, they look with gratification and hope to the time when it will be abolished in the states of our confederacy and throughout the world; that the General Assembly, having often heretofore expressed its opinion upon the subject of slavery, have full confidence that our Senators and Representatives will use all honorable means to carry into effect the wishes of the people of this state, by aiding to abolish slavery and the slave trade in all places within the jurisdiction of Congress, and by using their influence to prevent its extension to territories now free; that we welcome into the confederacy the new state that has just been formed upon the western confines of our republic; and that, in our opinion, any attempt to exclude her from the Union because she has of her own free will prohibited slavery, will be a violation of the true spirit of the Constitution, which leaves the subject of slavery in every state to the exclusive control of the people thereof; that we believe the preservation of the union of these states to be important not only to the happiness, honor and interest of our own country, but to the progress of the principles of republican government throughout the world; and that it is the duty of every patriot and philanthropist to contribute to its preservation by all means not involving a sacrifice of honor or principle, or a violation of our national Constitution; that all questions which threaten the harmony of our confederacy

\*Chapter XVII.

†Repealed January 25, 1861.

†The Supreme Court had decided that the function of enforcement was federal; the Rhode Island statute forbade assistance to federal officers. *Priggs vs. Pennsylvania*, 16 Peters 539.

should be approached in a spirit of mutual forbearance, and with the consideration that the preservation of our union is of paramount importance to all temporary or local interests." The foregoing resolutions, adopted in January, 1850, were followed by others in May which covered most of the subjects that were being debated in Congress along with the question of the admission of California, as the South attempted to obtain so much as possible by way of compromise or concession for yielding to the inevitable conclusion with respect to California. A part of the resolutions adopted at the May session follow: "That, in the opinion of this General Assembly the provisions of the Ordinance of 1787,\* with respect to slavery, should be applied to all the territories of the United States now possessed by them or hereafter acquired, and enforced by such further provisions and sanctions of law as the exigency of the case may require; that the people of Rhode Island cherish an unabated attachment to the union and to the Constitution, which is its surest guarantee; that, appreciating the inestimable blessings which flow from that instrument, they think it the dictate of wisdom rather to encounter and overcome any evils which may be incident to its operation, by a just and liberal interpretation of its provisions, than to aim at removing them by destroying it; that these, in their opinion, are the sentiments of a large majority of the people of the United States, without distinction of parties or sections, and ought to dispel any dread of those threats of disunion with which we are too often menaced; that the preservation of our authority over the territories acquired by the treaty with Mexico which border on the Pacific Ocean, the increase of our navigation and commerce with these territories, and the augmentation of our wealth, no less than the diffusion of liberal institutions over every part of this continent, require that the territory of California be admitted into the union with the Constitution it has adopted, without reference to or connection with the litigated and entirely distinct questions with which it is sought to be connected; that the sentiments of the people of Rhode Island on the subject of the delivery of persons held to labor, when escaping from other states, as expressed by the resolutions of the General Assembly heretofore adopted, remain unchanged; that the Supreme Court of the United States, having decided that the execution of that clause in the Constitution which requires such delivery is to be regulated, exclusively, by the enactments of Congress,† it becomes more important that all abuses incident to its execution be effectually restrained by said enactments, and, especially, that the facts of being held to labor and escaping therefrom be established by a decision of a jury of the state where such person is demanded;‡ that the General Assembly, in behalf of the people of this state, distinctly disclaim any right or pretension to interfere with the institution of slavery in any of the states of the union which have thought fit to permit its continuance or establishment within their respective limits; that the opinions of the people of the state, on the subjects enumerated in these resolutions, having been often and unequivocally expressed, the General Assembly has entire confidence that their Senators and Representatives in the Congress of the United States will on all occasions respect them, and, to the extent of their opportunities and influence, give them effect in the deliberations and decisions of that body." California was admitted as a free state, September 9, 1850.

Four years later, the issue that persisted was again before Congress in the discussion of the Nebraska bill, involving the Missouri Compromise; again the Rhode Island General Assembly adopted resolutions against slavery, thus: "Whereas, Congress by a provision of an act approved March 6, 1820, commonly called the 'Missouri Compromise Act' forever prohibited slavery or involuntary servitude except for crime north of the parallel of 36½ degrees of latitude in all the territory acquired from France, except that portion lying within the state of Missouri, and, whereas, certain propositions have recently been made tending to

\*Declared Northwest Territory free soil.

†The act of 1850 placed the jurisdiction with the state of escape.

‡Priggs vs. Pennsylvania, 16 Peters 539.

disturb the compromise; it is, resolved, that it be recommended to our Senators and Representatives in Congress to use their best efforts to prevent the passage of any law whereby slavery or involuntary servitude except for crime, can, under any circumstances, ever be introduced or established north of said parallel." Congress enacted the Kansas-Nebraska Act, including repeal of the Missouri Compromise, notwithstanding Rhode Island opposition, and the General Assembly in June expressed Rhode Island's disapproval, thus: "Whereas, the Congress of the United States, at its present session, have passed certain laws for the organization of territorial government in the territory of Nebraska and Kansas, wherein by a repeal of the Missouri Compromise of 1820, slavery is allowed to extend itself into territories made free by the said act of 1820; and, whereas, the passage of the said laws by the said Congress is deemed by this Assembly to be a violation of the public faith pledged by Congress to the whole extent of the power of Congress to pledge the public faith, and greatly impairs the confidence of the people in this state in the integrity and honor of the national government, and that of the states which sustain the institution of slavery within their jurisdiction, therefore: Resolved, that the attempt to extend the odious institution of slavery over a vast region of territory from which it has once been by law excluded, with the consent of the slaveholding states, given in the form of a compromise, hitherto deemed to be solemnly binding upon all the states of the union, ought to awaken the people of the free states to the aggressive character of slavery as a political power, and unite them in hostility to its extension and its existence wherever it comes constitutionally within the reach of federal legislation; that the act of Congress of 1850, known as the fugitive slave law, operating as it does, when enforced in the manner contemplated by its provisions, to deprive man of one of the most sacred rights which man can enjoy, and to doom him to unmitigated bondage without a trial by jury, is contrary to the spirit of liberty, and ought to be amended or repealed; that no further acquisition of foreign territory by the general government is, in the opinion of this Assembly, desirable. In no case should territory now free be doomed to slavery by law; nor should slave territory be acquired without giving to such territory all the freedom which the general government, in case of such acquisition, can constitutionally give; that the course of the delegation in Congress from this state on the bill for the establishment of territorial government in Nebraska and Kansas is entitled to and receives our hearty approval."

The Kansas-Nebraska bill was enacted into law eventually with a provision for "squatter sovereignty" which effectually repealed the Missouri Compromise; and both North and South undertook to colonize Kansas in anticipation of the organization of the territorial government, each with the purpose of settling the slavery question in Kansas by a preponderance of voters. Kansas became a battlefield, as armed bands from Missouri invaded the new territory and undertook to overturn the territorial government already established by settlers opposed to slavery. The matter was brought before the Rhode Island General Assembly in a message from the Governor transmitting resolutions and communications from other states. These were referred to a special committee, and the Assembly adopted resolutions reported by its committee, thus:

This General Assembly having their attention called to the subject of the repeal of the Missouri Compromise; the difficulties in the territory of Kansas, the questions of the existence of slavery in the territories, and of its exclusion therefrom by positive laws, and of the future non-admission of any state into this union without a provision in its Constitution forever excluding slavery from such state; and other matters relating to the political topics of the day, by communications from the Legislatures of other states, and by a communication from his excellency the Governor of this state, and having considered the same, do Resolve, that the proviso admitting the state of Missouri into the union known as the Missouri Compromise, which was adopted to allay an alarming excitement which threatened to disturb the public peace and to produce a sectional collision resulting in civil war, and threatening a dissolution of the union, was made by the antagonistic

parties in good faith and with patriotic motives, and that its repeal by the Thirty-third Congress was a signal violation of honor, of justice, and of plighted faith; that Congress, having authority to pass an act declaring that slavery shall not exist in the territories, is imperatively called upon to exercise that right without delay; that the atrocious interference of citizens of Missouri, and others not resident in Kansas, with the organization of that territory, deserves the indignant rebuke of the legislature and people of every state, and that the state of Missouri is bound to disown all participation in these acts of violence and outrage without delay, or suffer the obloquy due from such flagrant violations of justice, law and right; that in the contest between liberty and slavery upon the soil of Kansas it is the duty of the free states to resist this new aggression of the slave power by all legal and constitutional means, and to speak through their Legislatures, and to act through their representatives in Congress in such manner as will secure the blessings of liberty to all the settlers upon that soil once deemed to be consecrated to freedom by an irrepealable law; that the conduct of the present administration in remaining passive when the people of Kansas were overborne in their elections by an invasion of intruders from a neighboring state, and in again permitting these intruders to carry civil war to the homes of peaceful settlers, and in its denunciations of those settlers for standing on the defensive when their rights, their honors, and their lives were thus invaded and threatened, affords conclusive evidence of its intention to make pretexts for forcing slavery into Kansas, in violation of the rights of its people, secured to them by the act organizing that territory; and that such conduct deserves the reprobation of all who love justice and hate oppression, and the hearty united opposition of all who prefer freedom to slavery; that our Senators and Representatives in Congress be requested to use all honorable means for securing the civil and political rights of the people of Kansas, by endeavoring to procure the passage of laws which shall make void the enactments of the pretended legislature, set up and established by the horde of lawless invaders, and for quieting the present excitement and agitation through the country by the admission of the state of Kansas into the Union at the earliest opportunity with a Constitution prohibiting slavery or involuntary servitude except for crime.

In a philippic entitled "The Crime Against Kansas," Charles Sumner, Senator from Massachusetts, addressed the United States Senate on March 19, 1856. In his speech Sumner referred to Senator Butler of South Carolina, as a Don Quixote whose Dulcinea was slavery, and to Senator Douglas of Illinois as a Sancho Panza, "Squire of Slavery," always willing to perform her "humiliating offices." Douglas, who was present, answered; Butler was not present. Two days later Preston S. Brooks, Representative from South Carolina, entered the Senate chamber, while the Senate was not in Session, and beat Sumner over the head with a cane, leaving him unconscious and covered with blood. The House of Representatives voted, 121-95, to expel Brooks, the motion failing the two-thirds majority necessary. Brooks resigned. The attack on Sumner evoked resolutions in the Rhode Island General Assembly, in part as follows: "That the recent assault committed on the person of a Senator from Massachusetts on the floor of the Senate chamber of the United States by a Representative from South Carolina is an outrage, the commission of which in a civilized community no provocation can justify, and the enormity of which no excuse can palliate; and that the people have a right to claim of their Representatives that the authors and contrivers of an assault so brutal and so cowardly shall at once be expelled from the Congress of the nation; that the assault thus made on a Senator, for words spoken in debate, and the conduct of those political friends of the offenders who sought to prevent an investigation into the offence, show a deliberate attempt to stifle freedom of speech in the national councils, and deserve the instant rebuke, and the uncompromising opposition of all who love their freedom and who wish to maintain it; that this outrage, in connection with the acts of violence just perpetrated in Kansas, admonish us that a determination exists on the part of those now wielding the power of the general government to crush the advocates and upholders of freedom and free territory by force, bloodshed and civil war; and that the perversion of the power delegated by a free people for the preservation of their freedom to purposes of injustice, tyranny and oppression, demands the union and active coöperation of all who deserve to enjoy the blessings of liberty,

for the purpose of placing the government in the hands of those who will conduct it with due regard to the rights of freemen, and the liberties of the people." In Kansas the pro-slavery forces had drafted a state constitution called the LeCompton Constitution. Against the admission of Kansas with this Constitution the Rhode Island General Assembly protested in January, 1858, thus: "That our Senators in Congress be instructed, and our Representatives be requested, to vote against the admission of Kansas into the union under the LeCompton Constitution." Significant of the union of all good Rhode Islanders in the war to save the union as foreshadowed were the facts that this resolution was presented by a Democrat, and that it was adopted unanimously. The South had become desperate in its effort to maintain an even balancing of free states and slave states in the Senate, as a means whereby to veto legislation hostile to slavery.

**RISE OF A NEW PARTY**—The repeal of the Missouri Compromise, the drastic fugitive slave law of 1850, the warfare in Kansas, the attack on Sumner, and the Dred Scott decision (1857) contributed to strengthen the new political party rising from a combination of anti-slavery men of older parties—Liberty, Free Soil; Whigs who no longer could reconcile the aberrations of Clay and Webster, as these politicians pandered to expediency and compromised questions involving great principles, as the former sickened Lincoln by his willingness to abate opposition to slavery as the price of placating the South, and as the latter attempted to mollify public opinion by sustaining the fugitive slave law as constitutional; and Democrats, too, who could not follow Pierce and Buchanan, and Douglas, as Douglas, in pursuit of his ambition to be President, yielded almost to every demand of Southern politicians. In Rhode Island the new party immediately supplanted the Know Nothing party, which had waxed strong on the disintegration of the Whigs. Governor Hoppin, once defeated and twice elected as a Whig with Know Nothing indorsement, was reëlected in 1856 as candidate of the new Republican party with Know Nothing indorsement. The reduction of his majority from 8342 in 1855 to 2707 in 1856, is explained in large part by an increase of 4402 in the Democratic vote, cast principally by Democrats who had not voted in 1855. Not all Democrats who opposed slavery had joined the Republican party; there were many anti-slavery Democrats who feared the aggressive Abolitionists in the new party were as dangerous to the peace of the nation as was the radical Southern group. The Republican party was in control in Rhode Island, nevertheless. It gave John C. Fremont a handsome majority for President in 1856. It sent James F. Simmons (1857) and Henry B. Anthony (1859) to the United States Senate. It was uniformly successful in the election of members of the national House of Representatives. If it failed on occasion to elect its candidates for general state offices by majorities, the failure was due to a lingering remnant of the Know Nothing party, calling itself American Republican, which occasionally interposed a third candidate; and the failure was corrected by the grand committee, which was controlled uniformly by the Republican party. The apparent exceptions occurred in the period of transition in which the active Know Nothing organization established control of the weakening Whig organization, and the combined vote was deceptive. Thus, in 1855, the vote for Lieutenant Governor was Know Nothing 9733, Democrat 2705, Whig 1309; in 1856, it was American 7882, Democrat 7227, Republican 1306; in 1857, it was American Republican 3816, Democrat 5126, Republican 5781. In 1859, Jerome B. Kimball, candidate for Attorney General, received a majority of the votes cast by the people; it appeared, however, that he was not a qualified elector on election day. Charles Hart was elected by the General Assembly, qualified and resigned. The Assembly then chose Jerome B. Kimball as Attorney General.

**STATE POLITICS**—Two propositions to amend the Constitution—one, to permit the General Assembly to regulate the compensation of members, which the Constitution had fixed at

one dollar per diem and eight cents per mile for travel; the other, to substitute an assessed and mandatory poll tax for the voluntary registry tax—failed of approval in the General Assembly in 1855. In the following year five propositions were presented, as follows: (1) To abolish the registry tax; (2) to establish a poll tax; (3) to require twenty-one years of residence to establish political rights for naturalized citizens; (4) to fix the compensation of assemblymen at two dollars per diem; and (5) to establish an educational qualification for suffrage. The fifth proposition was rejected by the Assembly immediately, and the third also by the Assembly elected in the spring of 1856. The remaining propositions, approved by two successive assemblies in the manner provided by the Constitution, were submitted to the people in the fall of 1856 at the election of presidential electors, and were rejected. Three years later a joint committee to consider amendments to the Constitution as to the desirability of holding a constitutional convention was appointed. Again in 1860 another joint committee was appointed "and instructed to report to this legislature what amendments to the Constitution of this state might be submitted to the people of this state at the next April election." Senator Burges of the committee reported four propositions to amend the Constitution to the Senate—(1) To repeal the registry tax and establish a poll tax instead; (2) to provide a salary for assemblymen, with deduction for non-attendance; (3) to make the Lieutenant Governor, instead of the Governor, the presiding officer in the Senate; (4) to restore to the General Assembly the function of ordering new trials in judicial courts. All four propositions were rejected by the Assembly.

The fourth, to overturn the Supreme Court decision in *Taylor vs. Place*,<sup>‡</sup> was related probably as much to the petition of Charles T. Hazard for reversal of a decision of the Supreme Court and for ordering a new trial. Hazard, respondent in a suit in equity for specific performance of a contract to sell land,<sup>\*</sup> not only sought relief from the court's decision against him, but accused the Supreme Court reporter of intentional and malicious inaccuracy in reporting the trial. Samuel Ames, the reporter, had been of counsel for the complainant in the suit against Hazard, and had been elected as Chief Justice following the resignation of Chief Justice Staples, 1856. Chief Justice Ames subsequently sued Thomas R. Hazard for libel,<sup>†</sup> basing the action upon alleged malicious defamation in publishing a scathing commentary upon the report of *Ives vs. Hazard*. The committee of the General Assembly to which the complaint against the reporter was referred, with the request of the Chief Justice for an investigation, reported that the reporter had not acted "in such manner as to subject him to the censure" of the Assembly. The Assembly dismissed the Hazard petition. The report against censure might be construed as resting upon the doctrine of distribution of powers, on the ground that the reporter, as an appointee of the Court, was not responsible to the General Assembly. The dismissal of the petition might rest on the same doctrine of judicial independence. The House of Representatives confirmed its confidence in the Chief Justice, however, by refusing to pass a bill that would require a separation of the offices of Chief Justice and reporter.

So early as 1770 a petition addressed to the General Assembly requested division of the town of Providence on the line of the river, the section west of the river to be called Westminster. The project in modified form was revived when Providence was chartered as a city, request being made that a separate town of Westminster, west of the junctions of Broad and High (now Broad and Weybosset), and of High and Westminster (now Weybosset and Westminster) Streets, should be set off from the new city. The growth of the city normally was westward, because of the steep east side hills and the deep Seekonk River. The town census of 1825 showed 8729 persons living east and 7212 west of the river. Rivalry between east

<sup>‡</sup> 4 R. I. 324.

<sup>\*</sup> *Ives vs. Hazard*, 4 R. I. 15.

<sup>†</sup> *Ames vs. Hazard*, 6 R. I. 335; *Ames vs. Hazard*, 8 R. I. 143.

side and west side, along with a factional fight of Republicans and American Republicans, were issues in the city election of 1857. Thomas A. Doyle, afterward mayor of the city for eighteen years, bolted the caucus, and ran as an independent in four elections each of which failed for want of a majority. Doyle withdrew, and William M. Rodman was elected. The Democratic measures intended to aid the party in the city, enacted in 1853, had been repealed in 1854.<sup>§</sup> The Republican Assembly in 1857 reenacted the statute of 1853 authorizing the election of aldermen in Providence by wards instead of on general ticket, and in 1858, following an advisory referendum in the city, amended the city charter to provide (1) for plurality instead of majority election; (2) for election of one alderman and four councilmen by the voters of each of seven wards; (3) for election on general ticket by the voters for the city of city clerk, city treasurer, city solicitor, collector of taxes, city marshall, harbor master, overseer of the poor, and superintendent of health. Under the amendment to the charter the city council was authorized to divide wards into districts for choosing councilmen, in its discretion. The school committee, which had been "packed" by the Democrats in 1853, and "packed" again by the Whigs in 1854, was changed again in 1859. The number of members remained forty-five, forty-two of whom were elected, six for each of seven wards, by the people, the other three being the Mayor, president of the common council and chairman of the council committee on education. The committee membership reached sixty-three with ten wards.

Not all of the political measures considered or enacted by the General Assembly were partisan in purpose or effect. Burrillville was set off from Gloucester in 1806, and Fall River from Tiverton in 1856. In the final adjustment of the eastern boundary in 1862 Fall River was ceded to Massachusetts, and Rhode Island acquired the Massachusetts town of Pawtucket,\* lying east of the Seekonk and Blackstone Rivers, and part of the Massachusetts town of Seekonk, which became the Rhode Island town of East Providence. With the development of the practice of distributing powers, the General Assembly transferred to judicial courts a widening jurisdiction, relinquishing one after another functions which it had retained as courts were established and their jurisdictions defined. Thus in 1824 the Assembly created three courts of commissioners, one for Bristol and Newport Counties, one for Kent and Washington Counties, and one for Providence County, to conduct proceedings in insolvency. The statute of 1824 was repealed in 1826, and in 1827 jurisdiction in insolvency was conferred upon the Supreme Judicial Court. The insolvency act was revised from time to time; in 1832 the Assembly assumed jurisdiction to entertain appeals in insolvency petitions from the Supreme Judicial Court. The Supreme Judicial Court was reduced from five to three justices in 1827, and increased to four justices after the adoption of the Constitution. In 1848 the Supreme and Common Pleas Courts were reorganized. The two side county judges in the latter were abolished, a justice of the Supreme Court constituting the panel except in capital cases. The assembly in 1847 transferred to probate courts jurisdiction to approve and order sales of real estate belonging to minors, and by giving the Supreme Court discretion to entertain petitions for divorce for separation for three (instead of five) years, relieved itself of divorce petitions. Article II of amendments to the Constitution, 1854, transferred the pardoning power to the Governor, by and with the advice and consent of the Senate, and divested the General Assembly of its status as a court of jail delivery.

The Assembly continued to entertain petitions for change of names, such as that of Wonderful Pike, who asked that he might be called William W. Pike, and for adoption of children, both later assigned to probate courts, and to legalize the acquisition of real estate by aliens, a function that ceased when the alien disability was removed by statute. Partly by transfer of jurisdiction and partly because the Supreme Court under the Constitution denied

<sup>§</sup> *Supra.*

\*Rhode Island village of Pawtucket in North Providence annexed to Pawtucket, 1874.

the right of the Assembly to entertain appeals from judicial courts\* the calendar of private petitions to the General Assembly was reduced.

A complete revision of statute laws was made in 1857 by a commission consisting of Samuel Ames, Thomas A. Jenckes, Wingate Hayes, Benjamin T. Eames and Henry A. Howard, and the Public Laws of 1857, when adopted by the General Assembly, were arranged systematically by titles and chapters in the manner that still prevails. The revision of 1857 was painstakingly made, including rewriting entirely of many statutes, repeal of others, and the filling of gaps, which were disclosed by the orderly arrangement outlined by the commission. It was a splendid piece of code writing. One of the most significant changes in the new statutes was a provision whereby land could be attached in an action to enforce the payment of a debt incurred by the owner. Until 1857 a Rhode Island freeholder enjoyed, with other privileges, immunity of his land from attachment and sale on execution. He might be arrested for debt, and held in jail as a debtor, but his land remained with title unimpaired to pass by inheritance to his heirs, the debts dying with the freeholder who incurred them. After 1857 new statutes, as enacted, were numbered as chapters of the Public Laws; one of the immediate effects of the revision was a reduction, for a time, in the volume of new statutory law.

For better administration of state finances the office of the State Auditor was created in 1856 as one provision of a general statute; and in the same year the General Assembly enacted the first annual appropriation bill for the support of state departments, an elementary budget. A new state valuation revealed \$111,175,174 of property, in contrast with \$9,500,000 in 1824. The valuation of Providence in the same period increased from \$2,000,000 to \$56,243,500. The amount and value of property owned by the state was also increasing. Following an affirmative referendum, 4433-502, a state prison was erected, 1838, at Great Point, on the shore of the cove, in Providence, near the present location of Rhode Island College of Education. Following the attack by Dorr on the arsenal in Providence, the arsenal property was sold, and a new arsenal was built on Benefit Street,† "nearer the centre of the city." The city of Providence was authorized in 1850 to open a reform school; later in the year provision was made for commitments of juvenile offenders from places outside Providence to the Providence Reform School, the state paying for maintenance. The institution subsequently became a state reform school and as such was removed to Cranston, becoming the Sockanasset School for Boys and the Oaklawn School for Girls. Provision for committing insane persons to Butler Hospital was made in 1851. The convict labor system in the prison was abolished in 1847. Otherwise a more humane attitude toward prisoners was indicated by excluding the public from executions, 1833; abolishing corporal punishment for crime, 1841; and abolishing the death penalty, 1852. State property in five state houses and five county jails was maintained. The arsenal in Providence was used by courts while the General Assembly was in session in the State House; the latter was overtaxed. A proposition to rebuild the Providence State House at an expenditure of \$20,000 was opposed in 1839. Later a plan for coöperation by the state and the city of Providence in erecting a building on a site in the cove in Providence for the accommodation of both—a State House and a City Hall under one roof—at a cost of \$211,595 was reported to the General Assembly in August, 1850, following a conference of state and city officers, but no action was taken. Later in the same year the Providence State House was enlarged, a small addition costing \$9,800. The agitation for a new State House was renewed in 1858, when a committee of the General Assembly was appointed to consider it. The people in a referendum voted decisively in 1860 against a proposition to erect a new State House in Providence, at a cost of \$150,000. As a consequence for forty years afterward, until the opening of the new State House in Providence in 1900,

\**Taylor vs. Place*, 4 R. I. 324.

†The building is still standing, but not on its original site. It was removed when the east side railway tunnel was built.



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accommodations for officers of new departments in state service must be rented outside the State House. The Secretary of State was directed, in 1852, to furnish a room for a state library, thus beginning the collection of federal and state publications and reference works that constitutes the present State Library.

The annual appropriation bill of 1860 affords a brief summary of state public service at the period, including a list of state officers and institutions or other undertakings, thus: General officers—Governor, \$1000; Lieutenant Governor, \$250; Secretary of State, \$1000; Attorney General, \$1200; General Treasurer, \$800; State Auditor, \$1000; orders drawn by Governor, \$500. General Assembly—per diem, mileage, clerks, officers, stationery and other expenses, \$9500. Courts—Chief Justice, \$2500; three Associate Justices, \$1800 each; Reporter of the Supreme Court decisions, \$500; local courts, in Providence, \$2600, Newport, \$1000, Woonsocket, \$700; clerks of courts, jurors, witnesses, officers and other judicial expenses, repairs on courthouses and jails, \$7100. Education—Commissioner's salary, \$1200; state support for town schools, \$50,000; normal school, \$3500. Railroad Commissioner, \$500; Penal—Board of prisoners, fees of jailers, juvenile offenders, \$13,000. Dependent—Insane poor, deaf, dumb, blind, idiotic, \$12,000. Military, \$7000. Printing, \$4500. Indian tribe, \$100. Miscellaneous, \$15,000. The population increased fifty-three per cent. in ten years from 1840 to 1850, and nineteen per cent. in the next ten years, being 108,830 in 1840, 147,545 in 1850, and 174,620 in 1860. The population of Providence increased seventy-eight per cent. from 1840 to 1850, and twenty-five per cent. from 1850 to 1860. The extraordinary increases in state and city between 1840 and 1850 were due to immigration into and migration within the state. In 1850, nearly one-sixth of the state population, 23,680, was foreign-born.

The apportionment of representation in the House of Representatives in 1860 on the basis of one representative for 2200 inhabitants or the major fraction thereof, with at least one and not more than twelve for any town, was: Providence, 12; Smithfield, 6; Newport and North Providence, 5 each; Cumberland and Warwick, 4 each; Cranston, 3; Bristol, Coventry, Fall River, Johnston, Richmond, Scituate, South Kingstown, and Westerly, 2 each; Barrington, Burrillville, Charlestown, East Greenwich, Exeter, Foster, Gloucester, Hopkinton, Jamestown, Little Compton, Middletown, New Shoreham, North Kingstown, Portsmouth, Tiverton, Warren, and West Greenwich, 1 each. In the readjustment following the exchange of Fall River for East Providence and Pawtucket, the two representatives apportioned to Fall River were assigned one each to the new towns. The adjustment increased the Senate by one member. It should be noted that Smithfield included Smithfield, Central Falls, North Smithfield, Lincoln, and part of Woonsocket as the towns were further divided; that Cumberland included part of Woonsocket; that Warwick included West Warwick; and that North Providence included the part of Pawtucket lying west of the rivers.

**THE UNION PARTY OF 1860**—“God grant that, in my day at least, that curtain may not raise. God grant that on my vision never may be opened what lies beyond. When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feud, or drenched it may be in fraternal blood!” Dead in 1852, Daniel Webster’s prayer had been granted; he did not live to see the tragedy which impended. The actual beginning of conflict in arms in the Civil War may be placed in Kansas, or later with the firing on Fort Sumter. The Dred Scott decision embittered the North; John Brown’s raid aroused the South. The conservative element in Rhode Island asserted itself, and William Sprague, 4th, was nominated for Governor by (1) Republicans who had bolted the regular party convention; (2) by the Democratic state convention, and (3) by a “young man’s” convention, against Seth Padelford, candidate for the Republican convention. The largest vote cast in a state election to that time, and the largest until 1877, was polled, 23,341,

and William Sprague was elected as Governor, J. Russell Bullock as Lieutenant Governor, and Walter Burges as Attorney General, the largest majority being 1399 for Governor Sprague. John R. Bartlett as Secretary of State, and Samuel A. Parker as General Treasurer were reelected without opposition. The coalition elected also a majority of both houses in the General Assembly. Twenty of thirty-two Senators were new; to the House twenty-three towns had sent forty-nine new Representatives. Among the factors that contributed to produce the overturn were (1) doubt as to the wisdom of electing Seth Padelford, who was a radical Republican, in view of the critical situation in the nation; (2) the personal popularity of Colonel Sprague, then not thirty years of age; (3) the immense Sprague manufacturing interests, to the active administration of which Colonel Sprague had succeeded on the death of his uncle, William Sprague, 3d, in 1856.

If the South could find comfort in the fact that Rhode Island in 1860 defeated a Republican candidate for Governor, later events proved that the comfort was false. Two of the candidates for the presidency visited Rhode Island in 1860—Lincoln and Douglas. Abraham Lincoln came March 30, seven weeks before he was nominated in convention, not yet the candidate of the Republican party, but well known throughout the nation because of the Lincoln-Douglas debates, which had cost Lincoln election to Congress, and Douglas election as President. Lincoln spoke to a crowd that filled the large room in the railway station, then available for public meetings. Stephen A. Douglas, Little Giant, candidate of the northern wing of the divided Democratic party, came on July 31, and on August 1 addressed at Rocky Point, after a clambake, a throng estimated at 10,000. In the fall election Rhode Island gave Lincoln a majority of 4537 in a total vote of 19,951. Rhode Island was opposed to slavery. South Carolina adopted the first ordinance of secession, December 20, 1860.

When the Rhode Island General Assembly met in January, 1861, the crisis was at hand. Among the measures adopted by this General Assembly were: (1) An act repealing the "personal liberty" law of 1848; (2) resolutions appropriating \$5000 for apportionment to military companies, to equip them for active and immediate service; \$1200 for the Providence Light Infantry, \$100 for rent for a drill room for the Second Brigade of Rhode Island Militia, and \$1262 for repairs on arsenal and armories, repainting a field battery and other expenses of the Quartermaster General; (3) requesting the Governor, as Commander-in-Chief, to report "the number and efficiency of the force under his command, with the condition of its arms and equipment, and what legislation, if any, is necessary to augment the said force as to render it more effective, with the view of placing it upon a proper footing to respond to any call which may be made upon it, in any probable contingency to aid in the execution of the laws of the United States"; (4) authorizing the Governor to appoint five commissioners to meet in Washington at a conference called by Virginia "to consider the practicability of agreeing on terms of adjustment of our present national troubles." The Rhode Island commissioners were appointed "to consider, and if practicable, agree upon some amicable adjustment of the present unhappy national difficulties, upon the basis and in the spirit of the Constitution of the United States." Governor Sprague appointed Honorable Samuel Ames, Honorable William W. Hoppin, Honorable Samuel G. Arnold, Alexander Duncan, Esq., and George H. Browne, Esq.

**THE PEACE CONFERENCE OF 1861**—The conference met at Washington, February 4, and continued to February 27, ex-President John Tyler presiding and twenty-one states represented. The conference proposed an amendment to the Constitution of the United States, forbidding slavery in any territory of the United States north of latitude 36° 30', the line established by the Missouri Compromise of 1820, and recognizing slavery as permissible south of the line, new states south to be admitted with or without slavery as their constitutions might direct. The Rhode Island commissioners justified their support of the proposition in a lengthy report, parts of which follow:

As this partition of territory was not disadvantageous, at least to the free states, as it disposed of the agitation consequent upon a recent decision of the Supreme Court of the United States upon a celebrated case, and followed a precedent which had given peace to the country upon this most dangerous subject of controversy for upwards of thirty years, your commissioners gave their assent to it as the best practical solution of all difficulties growing out of the territorial question. . . . In a great practical matter of this sort your commissioners deem these results of far more importance than strict adhesion to any theory, however plausible in the abstract and especially than to any party declaration of principles of a sectional cast, however vehemently argued, or numerously adopted on either side. . . . They could not ignore the fact that seven states had separated themselves from the others and set up a federal government of their own; and that these were ceaselessly agitating the people of the remaining southern states by inflammatory speeches and writings, skillfully addressed to their interests and sympathies, to induce them to join in this new movement. They could not doubt the assurances given to them by able and patriotic men from the states of Maryland, Virginia, North Carolina, Kentucky, Tennessee and Missouri, that these attempts upon the loyalty of the people of their states had met at least with partial success; nor, indeed, blind themselves to the evidences of this found in the speeches and votes of individual commissioners from these very states. Above all, they could not be insensible to the touching appeals of men, venerable in years, distinguished in public service, and whose reputation for ability and patriotism was national, to give them something in the shape of a constitutional security with which to allay the startled fears of their constituents, beat back the attacks of their enemies and ours, and even bring again to their duty thousands of men in the states of the extreme South, who had been led astray by the popular fears and impulse of the hour, and who, with the loyal but overborne, might well look to them for support, since no other had been afforded them in the reign of terror under which they were suffering. . . . It is true, in this view of their duty your commissioners stood in the main alone amongst the commissioners from the northern states, and ranged themselves by the side of the central states of the union, upon whom the weight of the civil strife must come, if come it must; they need not assure you that no dastardly fears, no feelings of base compliance, dictated the position thus taken by them. Such motives to action neither became them nor those whom they represented. It was because of generous faith and earnest sympathy, of ties which no distance of time or space, and no difference of institutions can weaken, which in our fathers' days and our own led our heroes to hazard all for all, and at Guilford Courthouse, and Eutaw, and at Erie, with desperate valor to snatch victory for our common country out of the very lap of defeat; it was because our little state, with a warm heart and a ready hand, has never failed in counsel or deed to stand with the whole country in all dangers and in extremest disasters, that your commissioners conceived that they best represented her by averting danger from those with whom they knew she would hasten to share it. If it be true that the time has arrived when our sympathy for an alien and a subject race has extinguished all sympathy for our own, and has hidden from us the ties of a common origin, common interests and of a common glory, then indeed are we separated from our brethren, and the curse of slavery has fallen upon us as well as upon them.\* . . . Among the measures strenuously enforced by some of the commissioners, in lieu of that adopted by a majority, was the calling of a general convention. To this measure your commissioners oppose their most earnest and determined resistance. As a measure of peace, if for no other reason, because of the long delay which it implied, it would be utterly fruitless. But the possible danger of exposing a Constitution, framed and adopted in the earlier and more conservative days of the Republic, to be torn to pieces in these times of lawless irreverence and change,† is too great for any wise man willingly to encounter. The very equality of the states in the Senate, which was won by the revolutionary sacrifice and valor of the smaller states, now almost forgotten, would, in the judgment of your commissioners, be thereby greatly endangered; and your commissioners earnestly represent to your honorable body that under no circumstances should this state consent to a measure which might lead to her own extinction. The Constitution of a great country, adopted as it was on account of diversity of interests and views, with great difficulty, should be sacred. It may and should from time to time be amended to suit a change of circumstances, but never exposed to the danger of being upturned. It is the symbol of our strength, because the ligament of our union. It has collected about it the reverence of three generations of our people. It is the only rallying point now for the loyalty of the remaining states; the only hope of the restoration of the states which have left us; and, in its main features, it should be, as it was designed to be, perpetual. At no time

\*Compare Lincoln's second inaugural address.

†How like the twentieth century!

should a general convention be invited to invade it; and, of all times, this, in the judgment of your commissioners, would be the most dangerous.

The peace conference had failed; within two months after it adjourned South Carolina had fired on Fort Sumter, and President Lincoln had called for troops to suppress insurrection. Meanwhile, Rhode Island had made four offers of assistance to the federal government: (1) Governor Sprague offered the Rhode Island militia to President Buchanan for the defence of Washington against threatened capture by Southerners as an initial *coup d'état*; the President, with characteristic indecision, hesitated. (2) Secretary of State Bartlett made a similar offer to Secretary of War Holt, who had replaced Floyd; the offer was ignored, no acknowledgment of Secretary Bartlett's letter being received. (3) Senator Anthony and Major William Goddard, by request and direction of Governor Sprague, offered the Rhode Island soldiers to General Scott, and the offer was declined, with obvious reluctance, for want of authority to accept it. (4) The Governor offered to furnish a garrison for Fort Adams to protect the military property and stores of the United States. Governor Sprague was reelected in 1861 with a slightly increased majority, and again in 1862 without opposition. The Sprague Union party carried both congressional districts in 1861, electing William P. Sheffield and George H. Browne. Governor Sprague was elected as United States Senator for the term beginning March 4, 1863, resigning as Governor. Lieutenant Governor Arnold was elected as United States Senator for the unexpired term of Senator Simmons, who resigned in 1862. The Republican party returned to power with the retirement of Governor Sprague on his election to the Senate.

When the way was cleared for action by President Lincoln's call for troops, Rhode Island's War Governor moved so promptly, so rapidly and so efficiently that Rhode Island placed the first fully armed and equipped soldiers in Washington. Rhode Island entered the Civil War with unrestrained enthusiasm, guided by a Governor with a magnetic and restless personality. The way for harmony had been prepared by a distaste for slavery manifested early in the history of the colony and state, and a love for the union that knew no bounds once Rhode Island had ratified the Constitution. Governor Sprague succeeded in enlisting men of all parties in a common enterprise; for the time being there were no partisan politics in Rhode Island. The nation was in danger, and there are no Democrats and no Republicans when the call issues to defend the Union and the Flag.

